COMPENDIVM QVAESTIONVM REGVLARIVM

R. ADMODVM PATRIS
EMANVELIS RODERICI
LVSITANI, S. T. LECTORIS, PROV.
S. Iacobi Reg. Obſeru. Ordin. Minor.
Diffinitoris:

AD COMMODIOREM VSVM PER APHORISMOS ORdine Alphabetico digeſtum

Operâ ac ſtudio quorundam Fratrum Minorum Recollectorum.



COLONIAE AGRIPPINAE,
Apud IOANNEM KINCHIVM ſub Monocerote.

ANNO M. DC. XVIII.
Cum Permiſſu Superiorum.

CENSVRA.

COmpendium hoc Quæſtionum Regularium Reuerendi atque doctiſsimi P. EMANVELIS RODERICI, per quoſdam Patres Recollect. Prouinc. Diui Andreæ in Aphoriſmos facillimo ordine compilatum, diligenter legi & perluſtraui, nihilque in eo, quod aut Catholicæ fidei aduerſum ſit, aut bonis moribus diſſonum, reperi: quare in omnium vtilitatem, Regularium imprimis, à quibus diu deſideratum eſt, cenſui prælo poſſe mandari. Datum Valencenis, 6. Kalend. Maij, Anno 1616.

AEGIDIVS LE DVC CENSOR ordinarius.

LICENTIA MINISTRI PROVINCIALIS.

EGo F. PETRVS LE MARTRE, Ord. Min. Reg. Obſeruantiæ, Prouinciæ D. Andreæ humilis Miniſter, vt Compendium hoc R. P. RODERICI per quoſdam Patres Recoll. noſtræ Prouinciæ accuratè elaboratum, & concinna methodo atque ordine diſpoſitum; necnon viſitatoris ordinarij cenſura approbatum, iuxta ſacros Canones, Ordiniſq; ſtatuta ritè & legitimè typis excudi poßit, noſtram ad id facultatem per præſentes concedimus. Datum Valencenis in noſtro Conuentu Fratrum Minorum Recollect. pridie Nonas Maij, Anno 1616.

F. PETRVS LE MARTRE, MINISTER *Prouincialis.*

REVERENDIS ADMODVM DOMINIS, DOMINIS TOTIVS BELGII ABBATIBVS, CAETERISQVE

REGVLARIBVS SVPERIORIBVS F. SIMON DE GRINCOVRT, in Conuentu Fratrum Minorum Recollectorum Valencenenſium humilis Guardianus, eiuſdemque Conuentus Religioſi,

S. P. D.

QVI vanam vulgi æſtimationem, hominumq́; fauores ambitioſè venantur, admodũ Reuerendi Domini, in id toti incumbunt, & inſudant, vt & noua conquirant, & quæ magna repleant librorum volumina, pertractent, illa vt aciem ingenij, hæc vt magnam ſcientiæ ſupellectilem alijs oſtentent, cùm tamen ſæpe ſæpius nouitas curioſitatem accendat, & prolixitas tempus inaniter abſumat: nos verò, qui gloriam noſtram non in leui hominum opinione, ſed in ſolida rei veritate ponimus, & communi aliorum vtilitati magis de facto prodeſſe, quàm tantùm, vt tales haberi cupimus, tempus noſtrum non infructuoſè impenſum putauimus, ſi Quæſtiones Regulares à R. P. EMANVELE RODERICO antea fuſè per tres tomos conſcriptas, compendioſè per Aphoriſmos redigeremus, atque ordine Alphabetico ad commodiorem omnium vſum, & vberiorem fructum digeſtas in publicum produceremus: nam quamuis fateamur, vt re vera eſt, Regularium priuilegia, Apoſtolicaſq́ue conſtitutiones cum proprijs cuiuſque difficultatibus in toto prædicti Patris opere doctè & vtiliter pertractari, theſaurus tamen eſt in agro, vt ita dicamus, abſconditus, & lucerna ijs tantùm lumen præbens, qui non minus otio, quàm ingenij ſubtilitate perabundant; otio, vt longo argumentationum decurſu protracta euoluant, ac perlegant: ſubtilitate ingenij, vt ex tanta opinionum varietate, argumentorumq́ue copia, quæ ſubinde pro rei exigentia recenſentur, genuinam Authoris ſententiam fideliter deducere nouerint. Quamuis autem nemini, veſtrûm præſertim, quos non tantùm virtus, ſed etiam ingenij præſtantia, ſcientiarumq́ue cognitio ad Prælaturæ, dignitatumq́ue culmen & faſtigium euexit, eam capacitatem vllatenus deeſſe probè ſciamus, non ignoramus tamen plures per diuerſas variorum negotiorum occupationes ab illius operis lectione frequenter arceri; ac propterea vt res in promptu cuilibet haberentur, ſingulas Quæſtiones, & Articulos proprijs cuiuſque concluſionibus abſoluimus, annotantes interim tomum, quæſtionem, & articulum, ex quibus illa, aliaq́ue, quas vt minùs neceſſarias omiſimus, eruuntur, vt qui fuſiorem de illis tractatum deſiderauerit, nullo ſanè negotio ad ipſam ſummam Authoris recurrere poſſit. Exiguum opus eſt fatemur, ſed magnæ tamen vtilitatis, quod nemo diffiteri

debet. Exiguus eſt ſtylus, ſed lucidus tamen ſenſus; pleraque breuiter expedita, ſed tamen ſufficienter expreſſa. Magna paruis, protenſa breui repræſentamus ſpatio, non aliter quàm Phydias ſtatuarius ille, qui tanto artificio, & dexteritate ſcutum Palladi elaborauit, & in paruo tam magna coarctauit ſpatio, vt inſignem Amazonum victoriam Theſei in extremis ſcuti depicti magnanimitate comparatam repræſentarit. vexillum Gigantum contra Deos expanſum, certamen Ducum belli & Centaurorum equis inſidentium, Pandori Genealogiam cum triginta Deorum tam iam naſcentium figuris, inter quas erat vna Victoriæ adinſtar deæ prorſus diuinæ, &, quod omnium maius eſt, ſeipſum à Pallade deportandum diuerſis in partibus, aut in vno potiùs, eodemquè loco ſimul expreſſerit. Aut ſicut Myrmicides, qui, ſi Plinio credimus, currum tantæ exiguitatis abſoluit, vt ala muſcæ tegeretur; & nauim, quæ vnius apiculæ pennis abſconderetur. Vel ſicut Calicrates, qui pari induſtria currus formicæ magnitudine conficiebat, integroſquè Homeri verſus ſub exiguo ſinapis grano deſcribebat. Qualecumque tandem opus ſit, id veſtris Reuerentijs, & Dominationibus eo quo poſſumus affectu, & humilitate deferimus, & conſecramus, vtpote ijs, quibus ea materiæ ratio maximè congruit, in quorum præcipuè fauorem indulta ſunt, quæ recenſentur priuilegia. quorum denique dignitas & officium Quæſtionum deciſiones nobis contentas ſæpe requirunt. Humiliter oblatum beneuole recipiant: nam ſicut, licèt exiguum ſit, magnas tamen concludit materias, ita magni quoque erga Reuerendas Dominationes veſtras affectus & reuerentiæ fidele ſymbolum eſt, & teſſera. Datum Valentiæ, in Conuentu noſtro Fratrum Minorum Recollectorum, hac 23. Iuly,

M. DC. XVI.

COM-

COMPENDIVM

QVÆSTIONVM REGVLARIVM R. PATRIS EMANVELIS RODERICI, ORDINE ALPHABETICO PER APHORIſmos digeſtum.

A B B A S.

Vide Agere, Alienare, Altaria, Beneficium, Benedicere, Sepultura, Studium.

BEnedictio Abbatis non eſt iterabilis, ſicut nec multa Sacramentalia, vt benedictio nuptialis, &c. Secus eſt de benedictione Abbatiſſæ longè minori & ſimpliciori: hæc enim mutato Monaſterio licitè iteratur, ſecundùm Bonifacium, qui fuit Auditor Rotæ, & Felinum, *tom.* 1. *quæſt.* 12. *art.* 3.

Benedictio Abbatis non eſt adeò neceſſaria, quin ſine ea electus omnibus & ſingulis honoribus, præeminentijs, priuilegijs, prærogatiuis, iuribus, & inſignijs Abbatialibus, benedicto cõpetentibus, gaudere queat, *Ex conceſſione Eugenij* 4. *&* *Iulij* 2.

Imò & minores Ordines conferre, non ſecus, quàm ſi illi benedictionis munus fuiſſet impenſum, *ibidem art*: 2. *&* 4.

Poteſt Abbas populum ſolemniter benedicere in Eccleſijs ſibi pleno iure ſubiectis; alijs autem in locis non, niſi ex priuilegio ſpeciali, *quæſt.* 18 *art.* 1.

Et minores Ordines, non obſtante deſuetudine, etiam longi temporis, ex conceſſione facta Ciſtercienſibus conferre, ſed ſubditis tantùm, *vt reſoluit Concil. Trident. ibidem.*

Vnde ſi Monachus etiam cum licentia proprij Abbatis, ab alio ordinetur, licèt characterem recipiat, non conſequitur tamen liberam ſuſcepti Ordinis executionem.

Innocentius VIII dedit etiam aliquando prædictis Ciſtercienſibus facultatem Diaconatum, & Subdiaconatum conferendi; ſed hoc poſtea reuocauit *Concilium Tridentinum*, ac proinde nequeunt vti hoc priuilegio, vbi *Decreta Concilij* ſunt recepta, *art.* 3. *&* 4.

Poſſunt tamen vbique dare ſuis ſubditis dimiſſorias, eoſque mittere ordinandos ad quemlibet Epiſcopum, prout conceſſerunt *Leo X.* *&* *Paulus III.* Id enim non eſt contra *Concil. ſacra Cardinalium Congregatione* ita declarante, *art.* 5.

Abbas commendatarius perpetuus omnia illa in actibus capitularibus licitè exequitur, quæ proprius; quandoquidem ſit verè Prælatus, *tom.* 2. *quæſt.* 52. *art* 8.

Quamuis iuxta mentem Concil. Trident. non deceat talem præfici, qui non eſt profeſſus in eodem Ordine. *art.* 9.

ABBATISSA.

Vide Eligere, Suſpenſio, Viſitare.

ABbatiſſa non dicitur Prælata, cùm ſit incapax iuriſdictionis ſpiritualis. Et hinc fit, quod nequeat ſuis præcepta ſpiritualia imponere, vt Prælati Religioſorum, ſed tantùm ciuilia, ſicut matresfamilias. Et idem eſt iudicium de alijs matribus Sanctimonialibus præfectis, *tom.* 1. *quæſt.* 12. *art.* 2.

Promiſſa obedientia ſororum, intelligitur ſecundum poteſtatem Abbatiſſæ, *quæſt.* 15. *art* 1.

Abbatiſſa ex iure communi debet habere, antequam præficiatur, 40. ætatis annos, & 8. profeſſionis, vel ſaltem excedere 30. ætatis, & 5. profeſſionis, *ex Concil. Trid* Idem cenſendum

de Prioriſſa vel quocumque alio nomine Præfecta, vel aliàs Præpoſita cuiuſcumque Monaſterij Monialium, *art.* 3.

Abbatiſſa perpetua benedicitur, non autem triennalis, *quæſtione duodecima, articulo tertio, & quæſtione decima ſexta, articulo tertio, quarto & quinto.*

Vtraque tamen eſt incapax poteſtatis clauium, & ſpiritualis iuriſdictionis propriè ſumptæ: vnde infringens interdictum, vel ſuſpenſionem per illas latam non incurrit irregularitatem, cùm non ſint proprij nominis cenſuræ. Poteſt tamen eſſe capax iuriſdictionis ſpiritualis ſimilis, vt regendo ſuas Moniales, inſtituendo Clericos in Eccleſijs ſibi ſubiectis, ſuſpendendo ab officio & beneficio, ſubtrahendo præbendas, & lato modo interdicendo, *quæſt.* 17. *art.* 12. *& tom.* 1. *quæſt.* 65 *art* 5.

Obligatque eius præceptum, in materia ſufficienti, clericos ad mortale, *tom.* 3. *quæſtion.* 65. *art,* 5.

Nullo iure conceditur Abbatiſſis, vt diſpenſent in votis ſuarum Monialium, aut ea commutent (licèt id poſſint omnes Prælati) quia carent ſpirituali iuriſdictione, ſed bene vt ea irritent, cum maiorem poteſtatem dominatiuam habeant in illas, quam pater in filios, aut maritus in vxorem; vt notat *Epiſcopus Angles:* nec peccant, ſi ſine iuſta licentia emiſſa irritent abſque cauſa, ſicut nec petentes dictam irritationem, *quæſt.*25 *art.* 7 *tom.* 1.

Monialis corrupta nequit eligi in Abbatiſſam abſque diſpenſatione Papæ, *ſecundum Calderinum. quæſt* 64. *art.* 4.

Quamquam illegitima ſine vlla diſpenſatione & eligi, & præfici valeat, prout tenet communior Doctorum ſententia. *quæſt* 13. *art.* 22.

Et quamuis opus eſſet diſpenſatione, illam ſine controuerſia poſſent Generales & Prouinciales Mendicantium concedere, *ibidem.*

Abſoluere quoad Fratres.

Clemens Papa IV. conceſſit Generali & Prouincialibus Fratrum Minorum, vt poſſint abſoluere Fratres ſuos, non tantum ſubditos, ſed etiam forenſes, ab omnibus cenſuris excommunicationis, ſuſpenſionis, & interdicti, etiam ſi eas incurrerint in contemptum clauium, ſiue ante vel poſt ingreſſum Religionis, & diſpenſare cum irregularitate contracta ob celebrationem in aliqua cenſura, niſi adeò graues & enormes fuerint exceſſus, vt merito ad Sedem Apoſtolicam ſint deſtinandi.

Peccat autem in contemptũ clauium, qui non vult ſe ſubmittere Eccleſiæ authoritati, credit tamen Eccleſiam habere eiuſmodi authoritatem, vt poſt *D. Thomam* & alios reſoluit *A Caſtro tom.* 1. *q.* 20 *art,* 1. *&* 15.

Item dicti Prælati poſſunt à Confeſſoribus, quos elegerint, ab omnibus, à quibus ipſi abſoluendi alios iuriſdictionem habent, abſolui, *ibidem. art.* 15.

Præterea abſoluere poſſunt Fratres nominatim excommunicatos (ſi parti ſatisfecerint) tam in foro exteriori quàm interiori, vt declarauit *Pius V. art.* 6 etiã extra forũ ſacramentale, *art.* 9.

Sixtus IV. declarauit deſtinandos ad Sedem Apoſtolicam, pro abſolutione, ſolos hæreticos relapſos, ſchiſmaticos, falſificatores literarũ Apoſtolicarum, & deferentes arma ad infideles. Nec dictum priuilegium fuit reuocatum per publicationem *Bullæ Cœnæ art* 9.

Poſſunt etiam dicti Prælati ſubditos ſuos abſoluere ab iniectione manuum violenta in Clericum, etiamſi ſit Sedi Apoſtolicæ reſeruata, aut in clauſtro, vel extra facta, *art.* 12.

Verum eſt tamen, quod ſecluſo omni priuilegio, facultatem non haberent abſoluendi à crimine hæreſis etiam occultæ, quamuis hæc poteſtas penes Epiſcopos propter munus inquiſitionis reſideat, *art.* 10.

Nec hodie etiam à peccato ex ſimoniaca promotione ad Ordines contracto, aut cenſura inde ſecuta, ob rigoroſam *Bullam Sixti Quinti,* contra malè promotos, quæ reuocat circa hoc antea conceſſa, *art* 13.

Nec regulariter à peccatis in confidentiam priuilegiorum commiſſis, id eſt, quando ipſum priuilegium eſt propriè ſubdito cauſa poſitiua peccati, niſi immineat periculum aliquod ſpirituale: ſi verò ſolum tollat ſollicitudinem, qua præcauerentur peccata, valida eſt ſimpliciter abſolutio, *art.* 16

Epiſcopi poſſunt per epicheiam alicui delegare poteſtatem abſoluendi Monialem ab hæreſi occulta, licèt id ſit contra *Concilium Tridentinũ,* vel eam abſentem abſoluere ab excommunicatione, demandata alteri cura eandem abſoluendi à peccato nulli reſeruato ſublata cenſura, *art.* 11.

Eandem habent poteſtatem Prælati tam circa nouitios Ordinis, quàm ipſos profeſſos, *art.* 21. & ſorores ſibi commiſſas, *art* 22.

Item & circa earum Nouitias, *art.* 23 nec non ſeruitrices Religioſas ſeu cõuerſas profeſſas manentes extra clauſtra, *art.* 29

Ioſ-

Formam abſolutionis antiquam, qua Prælati ſolent extra confeſſionem abſoluere Fratres ab omnibus cenſuris & pœnis, approbauit *Clement Octauus in Bulla, Infirma mundi ætas*, *anno* 1592. Quòd intelligere a pœnis debitis peccatis, *art.* 26.

Abſolutio facta virtute priuilegij ignorati valet per regulam iuris dicentem: *Si non valet, quod ago, vt ago, valeat, vt valere poteſt.* ſic enim eſt interpretanda, *art.* 25.

Nulla conſuetudine introduci poteſt, vt Religioſus ſine ſui Superioris licentia eligat ſibi Confeſſorem, à quo abſoluatur, quòd tamen Prælatos Ordinis, puta Generales, Prouinciales, Prouinciales, Priores, & Guardianos, non comprehendit, *art* 28.

Epiſcopi habent de æquitate facultatem abſoluendi Fratrem exemptum egentem abſolutione, deficiente Prælato proprio, in permiſſis tamen caſibus circa ſuos ſubditos tantùm, non autem in illis, qui conceduntur Superiori eiuſdem exempti in eundem, *art.* 29.

Abſolui Fratres quomodo poſſunt. Vide Reſeruatio caſuum.

COncil. Trid. adhortatur omnes Regulares ad Confeſſionem & Cõmunionem ſingulis mẽſibus faciendam, *tom.* 1 *quæſt.* 62. *art* 1. Ad Confeſſionem autem venialium tenentur tantùm ex decentia ſui ſtatus, *ibidem.*

Statutum in quibuſdam Ordinib. obligans Fratres ad ſingulis annis ſemel omnia peccata ſua aliàs confeſſa, ſuo Prælato detegendum, laudabile eſt; non tamen obligat ſub mortali, *art* 2.

Similiter ſtatutum aliquorum Ordinum præcipiens, vt ſaltem ſemel in vita fiat Confeſſio generalis, à multis Pontificibus confirmatum & commendatum eſt. *art* 3.

Fratres admiſſi à ſuis Prælatis ad Confeſſiones Fratrum audiendas, non cenſentur admiſſi ad cõfeſſiones Monialium, *art.* 4.

Religioſi etiam itinerantes nequeunt confiteri Religioſis ſui Ordinis, niſi a ſuis Prælatis licẽtiã habuerint ad Confeſſiones audiendas, *ibidem.*

Fratres itinerantes licitè confitentur cuicunque Sacerdoti idoneo etiam ſæculari, de licentia tamen expreſſa ſuorum Superiorum, *ſecundùm Sylueſtrum*; vel ſaltem rationabiliter præſumpta, prout tenet *Angles*, aliàs non, *art* 5.

Omnes Fratres & eorum priuilegijs gaudentes poſſunt abſolui ſemel in vita, & in mortis articulo, & quater in anno diebus quibus maluerint, ab omnibus prorſus peccatis & cenſuris; & Confeſſor, ac ſi eſſet actu Pontifex, impartiri plenariam indulgentiam per *Sixtum Quartum*. Hæc Indulgentia licèt ſemper ſortiatur effectum in extremo articulo mortis, data tamen ſemper reſeruatur pro vltimo articulo, ex *Eugenio quarto.* neque ad hoc obeſt defectus linguæ aut morbus lethargiæ affectus, ſic declarante *Nicolao quinto.* & valet talis abſolutio etiam à Sacerdote ſæculari impenſa, *art.* 6.

Eſt autem articulus mortis, in quo probabiliter timetur, aut ſperatur mors à medicis, ſeu ab alijs viris cordatis, etſi non ſequatur. *Ita Abbas, Nauarrus & alij, art.* 7.

Virtute dictorum priuilegiorum abſolutus in articulo mortis non tenetur, ſi non decedat, peccata reſeruata iterum Superiori confiteri, *articulo octauo.*

Iiſdem priuilegijs gaudent Moniales Sanctæ Claræ, quibus prædicti Fratres quoad abſolutiones plenarias & Indulgentias certis diebus & vicibus conſequendas, nec non diſpenſationes votorum ex leuitate fœminea emiſſorum, non minùs quàm ſi ſua Sanctitas illas abſolueret, aut cum eis in prædictis diſpenſaret, *ex Leon. X. ar.* 10.

Vltra verò prædictos dies abſolui poſſunt Fratres & Sorores S. Claræ ſub obedientia Fratrum Minorum de obſeruantia viuentes, plenariè ab omnibus peccatis & cenſuris, in Feſtis Domini Sabaoth, B. Mariæ, SS Apoſtolorum Petri & Pauli, Sancti Franciſci, Sanctæ Claræ, Sanctæ Catharinæ, ac omnium Sanctorum, & per totam Hebdomadam Sanctam, de licentia ſuorum Superiorum, *art.* 10 & 32

Nota quòd in omnibus iſtis abſolutionibus, nec quoad Cenſuras in foro conſcientiæ, neque quoad Indulgentias, ſed tantùm quoad caſus reſeruatos Superioribus Ordinis, requiritur conſenſus Superiorum, *art* 11.

Obſerua etiam id quod Fratribus Minoribus conceſſum eſt pro ſuis ſolemnitatibus, alijs Religioſis mendicantibus, & eorum priuilegijs communicantibus pro ſuis Feſtiuitatibus concedi, verbi gratia, Dominicanis in diebus Sancti Dominici, & S. Catharinæ de Senis, Auguſtinienſibus diebus Sancti Auguſtini & Sanctæ Monicæ, non Sancti Franciſci, & S. Claræ, *articulo decimo.*

Abſolutio quoad ſæculares.

REligioſi præſentati ſecundum formam *Clementinæ, Dudum*, eandem habent poteſtatem, quam Curati a iure, vnde poſſunt abſoluere-

ſoluere omnes ad ſe venientes ab omnibus caſibus iure non reſeruatis, cùm enim exempti ſint ab Epiſcoporum iuriſdictione, nequeunt Epiſcopi eorum reſtringere authoritatem, ſed bene Paſtorum, *tom. 1. quæſt 61 art 2.*

Per priuilegia ſummorum Pontificum conceſſa eſt facultas Religioſis ſic præſentatis abſoluendi ab omnibus peccatis & cenſuris iure communi Epiſcopis reſeruatis nec non diſpenſandi in votis, in quibus iſti poſſunt. *art.* 3. & hoc iam in ſuis Conuentibus quam extra. *art.* 4.

Imo per Bullam *Pauli III.* datam Patribus Societatis Ieſu, & per communicationem adinſtar aliji Regularibus, poſſunt Mendicantes abſoluere ab omnibus caſibus etiam Papæ reſeruatis, exceptis Bullæ *Cœnæ Domini, art.* 5.

Et prætera abſoluere ab omnibus excommunicationibus tam à iure, quam ab homine etiam ſpecialiter & nominatim latis, ſatisfacta tamen parte, aut præſtita ſufficiente cautione, quia his poſitis, cenſentur rationabiliter Iudices authoritatem concedere Religioſis iuriſdictionem delegatam habentibus, abſoluendi ab excommunicatione a iure & ab homine. *art. 6 & 7.*

Et hoc non ſolum in foro poli, ſed etiam in foro ſoli, & extra Sacramentũ, vt doctè reſoluit Nauar. & optimè declarant verba cuiuſdam Bullæ *Pij V.* datæ in quodam Iubilæo anno Domini 15... ſi bene perpendatur. Nec obſtat quod priuilegia habeant (*audiis ipſorum confeſſionibus*) quia intelliguntur ſecundum diſpoſitionem iuris, vt nimirum abſolutio peccatorum fiat in confeſſione; cenſurarum autem fieri poſſit extra Sacramentum Pœnitentiæ, prout tenet *Armilla & Ledeſma cum communi, art.* 7

Rectè tamen notat *Nauarrus*, vt fidem faciat Confeſſarius, tradere debere abſoluto ſcedulam coram Notario & teſtibus, ab eodem Notario ſubſignatam, *art.* 6.

Item abſolui poſſunt percuſſores Clerici in caſu ſaltem ad Epiſcopum pertinente, dummodo ſatiſfactio manifeſta præmittatur, ſi ſit poſſibilis, quia aliàs ſufficeret cautio realis aut iuratoria, *art* 8.

Prælati Regulares licèt eandem poteſtatem habeant in ſuos inferiores, quam Epiſcopi in Diœceſanos, ... tamen attentare debent circa ſeculares in caſibus ſpeciali iure commiſſis Epiſcopi, vt ſunt nonnulla expreſſa in *Concilio Tridentino ſeſſ 24 cap. 6 art.* 9.

Ad prædictorum intelligentiam notandum eſt ... triplex eſſe forum, contentioſum, pœnitentiæ, & medium, ſcilicet conſcientiæ, quod à foro pœnitentiæ diſtinguitur, quia in eo poteſt eſſe Iudex tam non Sacerdos, quam Sacerdos, & abſolutio facta in eo, fit in ſalutem animarum, vt valeat coram Deo, & non coram Eccleſia, ex *Couar art.* 10.

Supradicta priuilegia quorumcumque Regularium quoad abſolutiones ſæcularium fuerũt reuocata per *Concilium Tridentinum*, prout declarauit *Sacra Congregatio Cardinalium, ſuper ſeſſ* 24 *Et ita etiam declarauit ex ſententia Congregationis ſummus Pontifex Anno* 1 ... Sed poſtea per ... declarationem *Greg.* 13. *anno* 158.. declarauit non eſſe ſuæ intentionis per talem reuocationem derogare Societatis facultati, eamque quatenus opus ſit, de nouo confirmauit, *articulo decimo tertio.* Et per communicationem alij Mendicantes hac conceſſione ſecure vti poſſunt. *Ibidem, quæſtione* 55. *articulo decimoſeptimo. Vide Communicatio priuilegiorum.*

Tenent multi Doctores, Regularem nõ præſentatum ſecundum formam *Clementinæ Dudum*, abſoluentem ſæculares ab excommunicatione minori, a qua ille ſolus abſoluit, qui à mortalibus abſoluere poteſt, incidere in excommunicationem dictæ *Clementinæ* verumtamen contraria opinio magis recepta eſt, *quæſtion. 61. tomo.* 1. *art.* 11.

Religioſus abſoluens à culpa & à pœna, quod idem eſt, ac dare indulgentiam plenariam ſine ſpeciali priuilegio ſibi actiuè, aut paſſiuè pœnitenti conceſſo, incidit in excommunicationem cuiuſdam *Clementinæ, art.* 12.

Per *Bullam Cruciatæ* non tolluntur priuilegia Regularium realia concernentia non perſonas, ſed Ordinem; vnde eis libere vti poſſunt erga non habentes illam Bullam, etiam in ijs locis, vbi publicatur: ſed ea vtentes priuantur omnibus alijs gratijs perſonalibus, *art.* 14.

Ad cognoſcendum an aliquod priuilegium ſit reale aut perſonale, debet attendi ad qualitatem negotij, quod conceditur, & ad cauſam ipſius conceſſionis, *ibidem.*

Regularis habita iuſta cauſa poteſt non vti aliquando priuilegio, & pœnitentem remittere ad ſuperiorem tam pro abſolutione peccatorum, quam cenſurarũ, cum mens Pontificis concedentis priuilegium ſit, vt prouideatur ſaluti animarum, nec ipſi pœnitenti conceſſo fiat iniuria, cuius conſcientiæ bonum ... Si autem cauſa deſit, & quidem ... ſationem, peccat ad minus venialiter, ſi vero abſque ratione peccatorum ... abſolutionem dare nolit, grauiter ... & hoc quia

[illegible] ſic [illegible] conf [illegible]. At vero [illegible] ffi[illegible]

ACCVSATIO.

CO[illegible] Præ[illegible] ub[illegible] [illegible] eu[illegible] [illegible] ſeruare [illegible] d[illegible] Fratres nec [illegible] etiam [illegible] fla [illegible] præſe [illegible] P[illegible], vel contra reum ad[illegible] a & [illegible] a [illegible] procedere [illegible] pro[illegible] [illegible] x, [illegible], [illegible] *quæſt.* [illegible] *ar* [illegible] & 2.

[illegible] ſui [illegible] pro[illegible] [illegible] m [illegible] amen quilibet denunciare crimen dam[illegible] e publicæ, [illegible] ad [illegible] ſte [illegible] bus proba[illegible] quea[illegible] Imo [illegible] aque a[illegible] ſare [illegible] no [illegible] Reipublicæ *articulo 4.*

Iudex etiam inferior a[illegible] non [illegible] ee prop[illegible] poſſi, & aliquando [illegible] bet reſcindere, ſicut [illegible] accuſationem tamen [illegible] am [illegible] illatam [illegible] poteſt, *art.* 6. [illegible] probatio ne[illegible] m ta[illegible], ſi in probatione [illegible] ut accuſan. peccat tamen mor[illegible] præuidens probabiliter defuturam iuridicam probationem, *art.* 8. *& quæſtion* 6 *art.* 9.

Q[illegible] accuſans & accuſatus debeant eſſe [illegible] ſtri, & alia quædam etiam Clericis [illegible] a proſequitur [illegible] *quæſtio ſeptima.*

AGERE

L[illegible] Mon[illegible] ens [illegible], nec [illegible], h[illegible] tamen [illegible] [illegible] [illegible] n [illegible] ſe [illegible] ture pro [illegible] M[illegible], tune [illegible] m [illegible] mploran do iudicis officium, v[illegible] neceſſarij ſubminiſtrentur, [illegible] *quæſtione ſexageſima ſeptima art.* 6.

Q[illegible] ut [illegible] Minorum agat nomine Papæ p[illegible] Co[illegible], [illegible] ſuccumbat [illegible] militer poteſt ad expenſas condemnari, cum ut [illegible] habeat aliquid proprij, *ibidem.*

ALIENATIO.

Vide Procurator

ABb[illegible] & [illegible] Pr[illegible] C[illegible] uentuales, qui non habent [illegible] um [illegible] em, nec M[illegible] archiacm [illegible] onem [illegible] M[illegible] na[illegible] [illegible] ion[illegible] vllo modo [illegible] aut im[illegible] ne[illegible] [illegible] ate C[illegible] & conſenſu [illegible] Capitul[illegible] [illegible] ſeri[illegible] obt[illegible] alienare ſub pœnis [illegible] comm[illegible] [illegible] e [illegible] communi [illegible] al[illegible] [illegible] ur dominium, [illegible] ſt Conuentus quidquam al[illegible] e [illegible] conſen[illegible]. *tom.* 1. *quæſt.* [illegible] *art.* 2.

Priuilegio [illegible] C[illegible] bus omnem e[illegible] [illegible] am cum d[illegible] ta[illegible] te [illegible] abita cauſæ cog[illegible] e confirmare, & [illegible] poteſt ſecun[illegible] [illegible] od priuileg[illegible] ſunt [illegible] genda mu[illegible] a alia conceſſa diue[illegible] O[illegible] um quam [illegible] quibus [illegible] e [illegible] re etiam teſta[illegible] legata, non [illegible] e [illegible] a e teſtatoris *ibidem.*

Ex priuilegio [illegible] mo [illegible] Ie[illegible] v, [illegible] pro tempore [illegible] vel Capitulum [illegible] [illegible] ſſum o[illegible] [illegible] Collegiorum [illegible] dem Societ[illegible] cauſæ co[illegible], non obſtante [illegible] one pr[illegible] Conſtitutio[illegible] de lit[illegible] renunciare [illegible] pro quo [illegible] quis C[illegible] m tradi[illegible], ſi expedi[illegible]. Quod [illegible] legum [illegible] s etiam O[illegible] bus [illegible] m [illegible] Prouin[illegible], *articulo tertio.*

Hæc [illegible] O[illegible] um Mi[illegible] P[illegible] nullam omnino [illegible] facultatem a[illegible], ſed eorum [illegible] d[illegible], qui nomine Papæ de [illegible] Con[illegible] ſunt au[illegible] em a[illegible] C[illegible] de bo[illegible] habe[illegible] aliquid dot[illegible], [illegible] *tor.*

A[illegible] o [illegible] M[illegible] [illegible] nera

notabili læſione, & ſine ſolemnitatibus iuris, *vt ſupra*, nulla eſt [illegible] in [illegible] Eccleſiæ, & obliget emptorem ad reſtitutionem [illegible] fructuum, nec contra talem rem præſcribitur, licet bona fide emptam, *art* 10 [illegible] poſt centum annos, *tom* 3. *quæſt* 5[illegible] *art* 1.

Graues pœnas ſtatutas à *Clemente Quinto*, & *Paulo Secundo*, in malè alienantes res Eccleſiaſticas, & [illegible], quibus alienantur, *vide articulo decimo tertio*.

ALIMENTA.

MOnacho relegato in aliud Cœnobium ob delictum inter poſſidentes tenetur ſubminiſtrare alimenta Monaſterium, cui acquiſiuit, vel attulit bona: at ſi nihil attulerit, tenetur Superior, cui ſubiectus erat, dum deliquit. In Ordine vero Fratrum Minorum tenetur Guardianus Conuentus, ad quem relegatur, *tom.* 2. *quæſt.* 24. *art.* 2.

ALTARIA.

Vide Miſſa.

MEndicantes poſtquam bis aut ter Epiſcopum Diœceſanum rogarint pro conſecratione ſuorum Altarium, ſi Epiſcopus aut Sedes vacans ad id licentiam dare noluerit, poſſunt alium quemlibet Orthodoxum Antiſtitem adire ex [illegible] regio *Sixti Quinti*, non reuocato per *Concilium Tridentinum*.

Sufficit tamen quòd ſuperior menſa ipſius Altaris ſeu Ara, ſuper quam fit conſecratio, & reponitur Corpus & Sanguis Domini noſtri IESV CHRISTI, ſit [illegible], & habeat eam latitudinem, vt [illegible] & maiorem partem calicis, *tom* [illegible]. *quæſt* 28 *art* 1

Abbates C[illegible] *Innocentii Octaui* [illegible] ſui Epiſ[illegible] conſecrare, [illegible] Epiſ[illegible] *Trident* [illegible].

In [illegible] le[illegible]

[illegible]

Mend[illegible]

[illegible]

ac proinde [illegible] benedictionibus ſaltem [illegible] *art.* 3. [illegible] iudicio Ec[illegible] quòd [illegible] rationem *Sixti Quarti* in [illegible], exactione decimarum, & [illegible] *tom* 2. *quæſt.* 7[illegible] *art* 1.

Olim fuit permiſſum ab *Alexandro Sexto*, & *Vrbano quarto*, Regul[illegible] an[illegible] dum, & [illegible] *Tridentinum* Epiſcopi [illegible] Miſſam celebrari *extra Eccleſiam*, [illegible] quod non intelligunt [illegible] Capellæ, Altaria [illegible] infirmatis Monaſteriorum, cum [illegible] omnino *extra Eccleſiam*, [illegible] nomine Eccleſiæ, *ibidem*.

APPELLARE

FRatres Mendicantes ſub pœna excommunicationis prohibentur a *Iulio Secundo* appellare quod intellige ſeruatis ſtatutis [illegible] debita maturitate & deliberatione [illegible] Superior malè procedat, aut excedat modum correctionis, permiſſum eſt [illegible] cui non contradicit [illegible] appellatio [illegible] eis eſſet interclu[illegible] remedio defenſionis, quæ eſt quædā ſpecies appellationis, & eſt iuris naturalis, quia non debēt eſſe [illegible] conditionis quam alij, nec hoc derogat ſtatui perfectionis eorum, ſi [illegible] religioſo [illegible] ter a ſæcularibus, vt dicitur in iure *tom* 1. *quæſt.* 29 *art.* 2.

Gregorius decimus tertius ſub excommunicatione Pa[illegible] Fratribus, ne ad [illegible] Tribunalia [illegible], ſed ad ſuos Superiores gradatim vſque ad Papam, & hoc non eſt [illegible] tum per *Conc. Trident.* [illegible] maior[illegible] recur[illegible] eo [illegible] *art* [illegible].

APOSTASIA.

[illegible]

S[illegible] Vl [illegible] Miſſae [illegible] non [illegible]

ſtatus proprias, *tom.* 1 *quæſtione trigeſima, articulo primo.*

Reſpondit item *Sacra Congregatio*, ferentem habitum occultè non eſſe proprie apoſtatam, nec incurrere aliam pœnam quam excommunicationis, *art.* 2.

In eos nec vllas pœnas incurrunt, qui notabiliter læſi a suo [illegible] Superiore, [illegible] poſſunt ab eo licentiam [illegible] maiorem. talibus enim permiſſum eſt iure appellandi ouis, eos adire abſque [illegible] eorum [illegible] *Concil. Trid. ſeſſ.* 25 *de Reg. c.* 4. tam notabiliter lædere Fratrem, maximè ſi conſtat de [illegible] grauaminis. nam hoc admodum conſonum eſt iuri naturali, & idem eorum [illegible] obuiantium, *art.* 3.

E [illegible] iux *Concil. Trident.* licet procedere contra apoſtatas [illegible] Regulares [illegible] cum habitu [illegible] quod in [illegible] non autem ſi eum cauſa, quamuis literas obedientiales minime habeant, *ibid. art.* 4.

Tenentur Prælati & Conuentus capere ac detinere apoſtatas & fugitiuos vbicumque, etiam in Curia Romana, conuentos, ſi credent oportere [illegible] timeatur damnum aut ſcandalum obuenturum ex conſortio aliorum cum tali oue peſtifera. Imò poſſunt illos incarcerare, & excommunicare, ad hoc inuocato (ſi opus ſit) auxilio brachij ſæcularis, non tantum ſibi ſubditos, ſed etiam quoſlibet alios eiuſdem Ordinis per multa priuilegia, *art.* 5 & 6.

Detinentes aut fauorem præſtantes apoſtatis fugitiuis & vagabundis vt talibus, ſunt ipſo iure excommunicati, etiamſi ſint Clerici ex conceſſione multorum Pontificum. Secus eſt, ſi ſolius amicitiæ gratia illos detineant, *art.* 9. Dicti fugitiui non quidem de rigore iuſtitiæ, ſed de æquitate religionis, non ſolum ſi redeant, ſunt recipiendi, ſed omnibus modis procurare debent Superiores eorum ſalutem, concedendo eis facultatem tranſeundi ad alium Conuentum vel Prouinciam eiuſdem Ordinis, vel etiam ad æqualem vel laxiorem Ordinem, vt ſic perditis prouideatur, exemplo Chriſti, tam anxiè & ſollicite ouem vnam perditam quærentis, *art.* 11.

Bona a regulari acquiſita in apoſtaſia modo licito ſecundum iuſtitiam moralem, at illicito ſecundum Canones, verbi gratia, per officia publica, beneficia Eccleſiaſtica, ſeruitia in curijs Principum, artes mechanicas, negotiationem, &c. ſi decedat in Ordine, ſunt Monaſterij, ad quod reuertitur, poteſtque de ijs diſponere Superior & Syndicus, ſicut de legatis [illegible] ſi vero moriatur extra Ordinem, ſunt Cameræ Apoſtolicæ, *art.* 11. Cùm acquiſita contra ſacros Canones a Clericis & Regularibus veniant nomine ſ[illegible] *art.* 13. Nec poſſunt creditores eſſe moleſti Monaſterijs dictorum apoſtatarum, ab eis petendo & extorquendo debita ab illis contracta, [illegible] propter quod debitum contractum [illegible] ſum ſit in vtilitatem ipſorum monaſterium, *art.* 11.

BAPTIZARE.

CVicunque regulari etiam Fratri Minori, conſentiente alio Sacerdote, in [illegible] rite commiſſum eſt, quamuis [illegible] qui ſi facere poſſint, nec hoc [illegible] in Regula Fratrum Minorum, *to.* 1 *q.* 3 *art.*

Extra caſum autem neceſſitatis obiniuriam Parocho factam & prohibitionem iuris, quamquam peccatum ſit baptizare, non incurritur tamen vlla irregularitas vel cenſura, nam nulla in iure exprimatur, ſicut expreſſe habetur de miniſtrante Euchariſtiam, Matrimonium & Extremam vnctionem: quin imo nullum erit peccatum, ſi fiat cum licentia ipſius Parochi, *ibidem, & articulo* 3 *& quæſt.* 6. *art* 1.

In Indijs ſtatutum priuilegia permiſſum eſt Mendicantibus baptizare nouiter conuerſos in ſuis Eccleſijs, & extra in locis ad id deputatis, nō obſtante Parochijs: & vti veteri Chriſmate vſque ad quartum annum incluſiuè, ſi nouum habere nequeat, omiſſis ceremonijs ordinarijs ob Miniſtrorum paucitatem, cum id maius Dei obſequium expediens iudicatur, *artic.* 3. 4. 5. & 6.

BENEDICERE.

Vide Altaria, Abbas, Abbatiſſa.

DOcuit *Angelus* omnes ſimplices Sacerdotes ſecundum ius commune poſſe omnia ornamenta Eccleſiæ benedicere, in quibus non interuenit Chriſma, veruṁ approbata conſuetudo, quæ vim legis obtinuit, habet oppoſitum. Vnde *Sixtus quartus* licentiam conceſſit omnibus Sacerdotibus Ordinis Minorum, omnia ornamenta Sacerdotalia & Altaria benedicendi, demptis Corporalibus; verùmtamen hoc priuilegium nunquam fuit vſu receptum: hanc namque poteſtatem reſtrinxerunt Patres Ordinis in Concilio Generali ad ſolos Guardianos, *art.* 1. *quæſt.* 19. *tom.* 1.

In Indijs tamen per conceſſionem *Greg.* 9. deficiente copia Epiſcopi benedicere poſſunt omnes Sacerdotes dicti Ordinis omnia prædicta cum Corporalibus. Et idem permiſſum eſt alijs

[illegible] cum [illegible] Pro[illegible] & [illegible] facultas [illegible] Capitulum Generale pro Fratribus [illegible] non tamen pro alijs, qui [illegible] gaudent, verbi gratia, Dominicanis, & [illegible] *Idem.*

[illegible] Regulares, eorumque vices gerentes, [illegible] & modo communi [illegible] praesertimque in absentia [illegible], & per multa priuilegia varia [illegible] Oratoria, Cœmeteria, Ecclesias, Corporalia, & alia quae [illegible] ad diuinum cultum pertinentia, [illegible] non interuenit, non solum pro suis [illegible], sed etiam pro alienis, ex concessione *Innocent. VIII* [illegible] Congregationis generalis [illegible] Fratribus Minoribus [illegible] Sanctum [illegible] articulo *sexto.*

Imo in partibus Indiarum Prouinciales & qui ab eis [illegible] deputati, habent facultatem benedicendi calices in absentia Episcoporum, *art.* [illegible].

M[illegible] post *Concil. Trident.* interdictum est, ne petant consecrationem [illegible] suorum [illegible] licum, &c. ab alieno Episcopo, nisi bis aut ter cum debita humilitate à proprio petierint, nec [illegible] *art.* 4. aut si nollet [illegible] id eis exhibere gratis, *art.* 5.

Item [illegible] Praelati reconciliare [illegible] suas Ecclesias [illegible] cum aqua [illegible] cinere [illegible] ab Episcopo benedicta, si [illegible] ultra duas dietas, id est, [illegible] longius [illegible] est [illegible] per *Leonem X* [illegible]

[illegible] quam [illegible] regularitatem, [illegible].

BENEFICIA.

[illegible]

B[illegible] est [illegible]

[illegible]

mo[illegible] al[illegible] Abbatis vel [illegible], art. [illegible]

Regularia beneficia Regularibus [illegible] conferenda, saecularia saecularibus [illegible] *articulo tertio.*

Supradicta [illegible] pertinent ad Regulares [illegible], non autem ad Mendicantes [illegible] beneficiorum, ob renunciationem [illegible] Fratres, Guardianos, &c. [illegible] & administratione Ordinis & R[illegible] non aut[illegible], *ibid.*

[illegible] Regularis acceptare, nec per consequens procurare potest beneficium saeculare sine consensu [illegible] dispensatione Summi Pontificis, *art.* [illegible], *vide* [illegible].

A[illegible] beneficium regulare [illegible] saeculare nequit admitti in Capitulis Generalibus & Prouincialibus, [illegible] congregationibus, ne[illegible] & officijs, aut [illegible] administrationibus Ordinis, [illegible] consensu interuenientes, sub poena excommunicationis, quam admittentes & admissi ipso facto incurrunt, *art.* 5.

Regularis [illegible] beneficium saeculare cum dispensatione, [illegible] ab obedientia [illegible] Superioris, & ab omnibus & solis [illegible], quas non potest [illegible] modo obseruare [illegible] ex [illegible] dicti beneficij, vnde numquam potest dimittere habitum, nec proprium habere, sed tantum administrationem rerum sibi creditarum, *articulo sexto.*

Non potest Regularis cogi à suo Superiore [illegible] accipere beneficium saeculare [illegible] Regularem vel, nisi dispensatio [illegible] continentem [illegible] potestatem [illegible] quae [illegible] beneficium commendatum [illegible], quia [illegible] Abbatem [illegible] regularem, *art.* 8. [illegible]

[illegible]

[illegible] beneficium [illegible]

[illegible] *septimo.*

BENEFACTORES.

Vide [illegible]

B[illegible]

[illegible]

[illegible] us min[illegible] extra [illegible] monaſterij, [illegible] Prælatorum, exim[illegible] ab Epiſcop[illegible] ione, per Concilium Tridentinum, tom. 1. quæſtion. 33. articulo primo.

Prælati Or[illegible] per conceſſionem Vrbani Quinti, mo[illegible] commune, vt refert Cordub. lib. 5. quæſt. 7. & ei[illegible] poſſunt conc[illegible] benefactoribus, quod v[illegible] ſatisfactoriam & meritoriam, com[illegible] em ſuffrag[illegible] m, indulgentiarum, & bonorum [illegible] lium [illegible] eo enim ipſo, quod [illegible] Congregationis præficiuntur, cenſentur habe[illegible] authoritatem diſpenſatiuam comm[illegible] bonorum Comm[illegible] per [illegible] ex pluribus [illegible] quatenus [illegible] meritoria, [illegible] bene [illegible] ſunt ſatisfactoria, ſed n[illegible] hac applicatione [illegible] deter[illegible] Religioſorum, q[illegible] al[illegible] m conditio, art. 2 & 3.

Ad horum maiorem intelligentiam [illegible] dum, commun[illegible] um bonorum Congregationis duplicem eſſe communicationem, [illegible] am videlicet & meritoriam. Satisfactoria [illegible] quæ poteſt applicari cuiquam [illegible] per [illegible] ſam [illegible] em [illegible], aut [illegible] Superioris. M[illegible] la autem ſine [illegible] a [illegible] o[illegible] e [illegible] a[illegible] r omnibus in gratia [illegible] pro p[illegible] co[illegible] mu[illegible] o[illegible] orum, [illegible] ſecu[illegible]

L[illegible] pro[illegible] im[illegible]

[illegible]

terum applicare, cum merita non reponantur in communi theſauro Eccleſiæ, art. 5

Benefactores habentes a Prælatis communicationis literas, in quantum tales participant pro rata, id eſt, prout plus aut minus dant: ſecus eſt, ſi illas habeant intuitu ſolius charitatis ad beneplacitum Prælati: tunc enim valebit talis conceſſio ſeu communicatio ſecundùm intentionem illius quoad vim ſatisfactoriam & meritoriam, art. 6.

[illegible] communicatio [illegible] m [illegible] à communicatione indulgentiarum. [illegible] imo [illegible] non [illegible] Superiores [illegible] ſed authoritate natura[illegible], [illegible] pœnas peccatorum. Item hæc communicatio [illegible] de theſauro infinito Eccleſiæ, ſed de [illegible] propriiſque aliorum bonis. Tertiò non [illegible] berat ho[illegible] in foro Eccleſiæ, neque [illegible] in foro D[illegible] pœnitentijs iniunctis [illegible] ob exiguit[illegible] quandoquidem [illegible] merita nõ ſint infinita. Et eadem indulgentia valet tantum ad ſatisfactionem pœnarum, hæc autem communicatio etiam ad impetrationem bonorum confert, art. 7.

Ex dictis ſequitur, di[illegible] m conceſſionem non [illegible] per Bullam Cruciatæ, [illegible] non ſit [illegible] privilegium, nec abrog[illegible] um Quintum [illegible] m q[illegible] as, [illegible] h[illegible] dictum eſt) [illegible] comm[illegible], ibidem

BELLVM.

I[illegible] o [illegible] n[illegible] m [illegible] m[illegible] n[illegible] m [illegible] Catholicæ [illegible] E[illegible] [illegible] mul[illegible] m [illegible]. Nihilo[illegible] [illegible] a[illegible] o [illegible] v[illegible] mo[illegible] E[illegible] [illegible] Greg. XIII [illegible] ar[illegible] f[illegible] h[illegible] [illegible] anos [illegible] d forti[illegible] ſine timore irregularitatis, [illegible] ſtrant arma, tom. 1 quæſt. 32. articulo vnico.

BONA.

Vide Apoſt[illegible], Be[illegible] B[illegible] Exilium, Hære[illegible] Monaſterium.

ALexander [illegible] F[illegible] es Mino[illegible] s [illegible] h[illegible] a [illegible] [illegible], & [illegible] [illegible] e[illegible], ſi[illegible] eſt [illegible] [illegible] e[illegible] e [illegible] d[illegible] o [illegible] e te[illegible] a [illegible]

velint, non obſtante reuocatione Prælatorum Eccleſiaſticorum, *to. 1 q. 18 art. 1.*

Multi Pontifices conceſſerunt Patribus Ieſuitis, inquit *Collector* [illegible] conceſſionem *Martini* 5 & aliorum [illegible] Fratribus Mendicantibus, vt poſſent acceptare quæcumque loca ſæcularia aut regularia, necnon Eccleſias, Eremitoria, & Monaſteria cuiuſuis Ordinis cum eorum bonis mobilibus aut immobilibus, etiam ſi fore [illegible] ſtrictioris Obſeruantiæ, & pia legatione fidelium [illegible] contigerit, & [illegible], quo u intereſt, conſen[illegible] Apoſtolica authoritate perpetuo applicata & appropriata eſſe cenſentur *ibi.*

Religioſis Societatis Charitatis conceſſit *Leo* 10. vt poſſint bona feudalia & Emphyteutica etiam Eccleſiaſtica acceptare, modo [illegible] ea onera teneantur [illegible] tenebatur occaſione [illegible] & ad ea [illegible] donationem impoſitum ſi ad [illegible] numerum [illegible] non [illegible] donatores [illegible] erant generationes, *artic. 2.*

Idem priuilegium per *Celeſtin.* conceſſum eſt Monachis Cæleſtinis, ſed eſt ſemper intelligendum, modò onus impoſitū ſit compatibile cum ſtatu Monachali, *art 3.*

Bona perdita, diligenter quæſito, & non inuento domino, olim de iure pertinebant ad Prætorem, ſed Reges Hiſpaniarum ius prædictum tranſtulerunt in Fratres de la Merced, & SS. Trinitatis pro redemptione captiuorum, ac proinde talia nunc dari debent eis dare. Si tamen ea retineat abſque peccato (quod putant her plerique Doctores quæcumque do [illegible] legitimus non [illegible] videtur non teneri in foro conſcientiæ, ſed tantum in foro fori [illegible] ceſſ perantur. Et ita ſunt intelligendæ leges ex communicationem ferente [illegible] eiuſmodi bonorum [illegible] rem, *art 4.*

Clemens 4. conceſſit, quod cum aliqui aſſumentium habitum Fratrum Minorum fuerint [illegible] ad [illegible] onem bonorum diuerſis per [illegible], quæ [illegible] & inueniri nequeunt faciendi, Miniſtri & Cuſtodes [illegible] & eorum Vicarij poſſint eiuſmodi bona in vſus [illegible] conuertere, prout ſecundum Deum expedire iudicauerint & [illegible] quamuis nihil proſit aliis Religionibus, quia [illegible] eſt ex iure communi, fauer [illegible] Fratres [illegible], propter prohibitionem [illegible] faciam [illegible] mirum *cap. ut Regulæ ibid.*

Quæcumque perſona ſæcularis, aut regularis cuiuſcumque ſtatus fuerit, etiamſi Pontificali dignitate præfulgeat, præſumeret bona mobilia aut immobilia Congregationis [illegible] O[illegible] perturbare, aut [illegible] ſi intra tres d[illegible] a notitia inductis *Eugenij* 4. dictæ Congregationi conceſſi non ſe correxerit, incurrit excommunicationem Papalem, & hoc idem priuilegium conceſſerunt *Leo* 10 *& Iul.* 2. Eremitis Sancti Auguſtini, *art 7.*

Materialia & bona Conuentuum deſtructorum Mendicantium [illegible] Conuentibus [illegible] eiuſdem Ordinis, aut [illegible] Eccleſiæ [illegible] duntaxat exceptis, *art. 8. & tom. 3. quæſt. 4. art 4.*

Prouincialis eſt Nouitios Minores [illegible] omnia bona ſua [illegible] pauperibus, quando quidem verba Regulæ ex [illegible] eodem ſenſu ſint [illegible] Chriſti, tradidi ad perfectionem [illegible] tributum imo & ipſi Apoſtoli, *ex* [illegible], *Lutheri in Concord Euang.* [illegible] pauperes [illegible] pauperibus diſtribuunt [illegible] de non amplius obligandi ſunt prædicti Nouitij, *tom 3 quæſt* [illegible] *art. 6.*

CANONICA.

Concil. *Trident.* non abrogauit conceſſionem Regularibus factam à Sede Apoſtolica de non perſoluenda quarta funeralium, niſi eorum Monaſteria ante annos 40 extructa fuiſſent, eodemque tempore [illegible] ſpatio dictam quartam funeralium [illegible] ſoluiſſent, *Ex declarat. Congreg. Illuſt. Card. tom. 1. q. 9 art. 2.*

Nomine quartæ funeralium intelligenda veniunt ea, quæ cum corpore defuncti in die ſepulturæ ad Eccleſiam deferuntur, non autem, quæ poſtea, *ibi.*

Canonica autem portio dicitur, quæ ſit à Canonibus approbata, & [illegible] iure Decretorum, *artic 1.*

Quòd ſi ad prædictæ quartæ non debitæ ſolutionem ſin faciendam ipſi Regulares, aut teſtamentarij, vel hæredes cogerent Epiſcopi, ipſo facto interdicti [illegible] ab ingreſſu Eccleſiæ, alij excommunicationem [illegible] *Ex Sixto 4. art 9*

Non ſunt cenſendi Regulares [illegible] ſuper hoc ſibi facto renunciare per vnum aut plures actus contrarios, ſed tantum per conſuetudinem [illegible] ſum 40. annorum, *tom 3 quæſt. 4. art.* [illegible]

CAT

CAPITVLVM.

Vide O [illegible] viua voce [illegible].

QVid ſit Capitulum [illegible] in noſtro Ordine Fratrum M[illegible]orum, & quomodo [illegible] a Congregatione [illegible] & ab [illegible] Congregationibus non [illegible] ad [illegible] Bo[illegible]onen[illegible].

M[illegible]o & [illegible] pars Capituli e[illegible] quæ [illegible] maiori ratione & pietate, v[illegible] docet *S[illegible]eſter*. Cer[illegible] [illegible]mmuni iure recep[illegible] [illegible] varietate in quibu[illegible] ad [illegible] tantum [illegible] a[illegible] præter numerum etiam ad [illegible] me[illegible] [illegible] ſecundum, prout [illegible] *A[illegible], Feli[illegible] & [illegible] tom 1 q. [illegible] art 9*

Capitulum ge[illegible]ale, [illegible]o etiam Prouinciale, reſtringere poteſt authoritatem Guardianorum & Priorum, etiam pe[illegible] excedentes peccabunt pro grauitate materiæ, [illegible] conſtet ex verbis ipſius reſtrictioni[illegible], *queſtion. 17. art 5*

Si maior pars Capituli delinquit, & proinde priuetur ſua authoritate, tota poteſtas Capituli reſidet penes minorem partem quæ non deliquerit, vt notat *Panormitanus queſtion. 41. artic 1.*

Capitulum non ſolum obligat Fratres vt ca[illegible] R[illegible]onis, ſed etiam [illegible] Apoſtolica [illegible], ſaluis tamen Regulæ O[illegible] [illegible], *art. 2.*

Omnes Fratres, etiam Nou[illegible] qui Capitulo generali [illegible] recipere abſolutionem ab omnibus peccatis quæuis Papæ reſeruatis, & [illegible] non di[illegible] [illegible]ſtionem [illegible] famæ macul[illegible], [illegible] irregularitatibus, & lucrari [illegible] quam omnes abſentes [illegible] ſtatu Capitulo [illegible], co[illegible]

Capitul[illegible] di[illegible] con[illegible] om[illegible] [illegible] vocalibus, ſed di[illegible] tantum ex definitoribus cum præſide [illegible], *art. 5*

CARNES.

P[illegible] [illegible] reg[illegible] [illegible] *A[illegible] [illegible]* q[illegible] C[illegible] reſt[illegible] ce[illegible] [illegible] he[illegible] au[illegible] præcepto no[illegible] car[illegible] ne[illegible] (i[illegible]) [illegible] bene[illegible] n[illegible] S[illegible] [illegible] quan[illegible] [illegible] Caſte[illegible] [illegible], *tom. 2 q. 100, art 1.*

R[illegible]ares non ſolum po[illegible]tes, ſed etiam Me[illegible]tes, [illegible] di[illegible] en[illegible] cum ſuis ſubditis in [illegible] tam in[illegible] quam ext[illegible] tempus Q[illegible] [illegible] ſta[illegible] graue cauſa. *art. 2.*

Conſuetu[illegible] Carthu[illegible], [illegible] de non e[illegible] [illegible] & laudab[illegible], obli[illegible] qu[illegible] [illegible] ratione ſcandali, *q 101. art 1*

E[illegible] [illegible] ex propoſito [illegible], aut mi[illegible]us pa[illegible] [illegible] mo[illegible] dei ca[illegible] [illegible] aut [illegible]one medicinæ, *art. 2.*

CASTITAS.

CAſtitatem [illegible] vouentes in Ordinibus M[illegible] Religioſi [illegible] quidem [illegible] ſecundum quod in O[illegible] ſolicet ad M[illegible] [illegible]ando committunt ſacrilegium, *tom 1 quæſt 1. art. 6. & quæſt 13. art. 1. & 2.*

CANTVS.

QVàm [illegible]ns ſit in Officio diuino cantus [illegible] M[illegible] [illegible] vero [illegible] *Ioannes XXII. in Ex[illegible] [illegible] ſtatæ Ce[illegible], quæ [illegible] ſanctiſſimi P[illegible]* [illegible] E[illegible] [illegible] *Conc. Trid.* [illegible] *in Decreto de vitandis* [illegible] *&c.* [illegible] laſcibos remou[illegible], *tom 1* [illegible] *art. 1 & 2.*

CITATIO.

CI[illegible]io [illegible] cum [illegible] non po[illegible] [illegible]one ab aliqu[illegible]us [illegible] quando culpa eſt a [illegible] [illegible] ſe reus defendere; aut quando e[illegible] [illegible]batur, [illegible] q[illegible] locum [illegible] quia hæc [illegible] tamen intelligitur, [illegible] ſ[illegible] reo inim[illegible], *tom* [illegible] *q.* [illegible] *art* [illegible]

In c[illegible] ſequitur [illegible] ſtylus curiæ Romanæ [illegible] ordinarius, *art.*

Regul[illegible] exe[illegible]tus [illegible] Mendicante[illegible] [illegible] eſt, [illegible] Religio[illegible] Mendicant[illegible] [illegible]

CLAV-

CLAVSTRVM.

Vide Re[illegible] o quoad tranſ[illegible]m.

EXtra Clauſtra [illegible] a [illegible] degunt, v[illegible] ex [illegible] ab Ordine, *tom. 3. qu[illegible]on. [illegible]. articulo 9*

E[illegible] nullam beneficium aut [illegible] Eccleſiaſticum habere [illegible] De[illegible] C[illegible]o [illegible] ſuo Monaſterio [illegible] non [illegible]x, [illegible] a [illegible] licen[illegible] nam co[illegible]m [illegible] ctum reu[illegible]cauit Pa[illegible] *mo & [illegible]u[illegible]o.*

[illegible] ga[illegible] ſ[illegible] *ar[illegible]*

H[illegible] facu[illegible] n[illegible] Re[illegible] cum [illegible] [illegible] ad longum tempus, [illegible] a[illegible] [illegible] u, au[illegible] co[illegible] ſi [illegible] *art. 3.*

[illegible] beneficium [illegible] de [illegible] teneatur reſidere in Paro[illegible] *art. 3.*

CLAVSVRA.

Vide Mon[illegible] rium, Nouitius.

SOlo iure humano inſtituta fuit diuerſis tem[illegible] M[illegible] quandoquidem [illegible] Re[illegible] vnde nec primæ [illegible] reclutæ fue[illegible] *tom. 1. quæſt. 44. art. 1*

Poteſt Papa præcipere clauſuram, etiam ijs, quos Regula non [illegible] om[illegible] R[illegible] dic[illegible] co[illegible] Regulæ [illegible] n[illegible] Regulam, [illegible]

Concilium Tridentinum [illegible] *cap.* [illegible] que [illegible] [illegible] vo[illegible] fe[illegible] hoc [illegible] *art 2*

Q[illegible]

[illegible], & [illegible] c[illegible] *art. 3.*

In [illegible] [illegible] ex[illegible] *g. 11.* [illegible] Mo[illegible], *art. 4.*

[illegible] ſibi Fratribus M[illegible] ex vi Regulæ ingreſſum, ſed e[illegible]m acceſſum ad quæcunque Monaſteria Monialium, a[illegible] non ex vi Regulæ, ſed eiuſdem inte[illegible]one ac[illegible] interdic[illegible] ex præſ[illegible]o *Nicolai tertij*, *Benedicti duodecimi*, & [illegible] *Bonifacij octaui* renou[illegible] a *Concilio Tridentino*, & [illegible] Su[illegible]ctio[illegible]m. V[illegible] qu[illegible] a[illegible] a[illegible]cum cum Moni[illegible] a[illegible] e[illegible]ialem ven[illegible] li, ne non [illegible] ſuperiorum, n[illegible] ignorantia inuincibilis excuſet, vt certè fecit multos ex magna diſſimulatione Superiorum, *quæſt 45 art 4.*

E[illegible] hæc op[illegible]o aſſ[illegible] non a[illegible] Minores quam [illegible] ad v[illegible] di[illegible] a[illegible], eſt ſ[illegible] probabilis, imò [illegible] tuta, quamuis oppoſita [illegible] etiam probabilitate non careat, *ibidem.*

Qui[illegible] Prælatus, [illegible] Gu[illegible] propt[illegible] aut[illegible] eſt Frater [illegible] & [illegible], o eſt [illegible] acce[illegible] ex[illegible] per [illegible] In [illegible] *mis* [illegible] Or[illegible] *art.* [illegible]

[illegible] autem general[illegible] T[illegible]

[illegible] *Ho*[illegible] e[illegible] Vita[illegible]

Vicarij Papæ, aut Protectoris [illegible], [illegible] pœna pecuniaria, aut alia arbitraria, *ar.* 3.

Poſſe ſtatuto in aliquo Ordine, ut [illegible] Monialem [illegible] communicantes, [illegible] quidem contra obſeruantiam, [illegible] excommunicationem, [illegible] ad [illegible] niam. *Ita Nauarr ibidem.*

COMMENDATORES.

COmmendatores de Malta, qui [illegible] profeſſi [illegible], [illegible] eſſe [illegible] ſententia ex [illegible] comprehendum [illegible] iure a[illegible] [illegible] quod [illegible] pro[illegible] [illegible], tux a *Conc. Trid. [illegible] 25. cap. 18. tom. 1 quæſtio 1. artic. 6.*

COMMENDATARIVS.

DE Commendatarijs, & eorum exemptionibus, aliiſque ad eos pertinentibus, late diſſeruit *tom 2. q. 62. art. 13. 14. 15. & 16.*

COMMISSARIVS.

OB amplitudinem Ordinis Minorum, [illegible] Capitulis generalibus ex *Bulla vnionis, Leonis X.* eligendus eſt ab omnibus Patribus familiæ, de qua non eſt electus Generalis, Commiſſarius [illegible] Miniſter generalis [illegible] familia Cismontana, Commiſſarius [illegible] erit eligendus ex familia Vltramontana [illegible] *1 q 51. art 1.*

Huius [illegible] tantummodo triennalis; vnde Patres [illegible] familiæ, de qua aſſumptus eſt, debent conuenire [illegible] Comitijs intermedijs ad alium [illegible], [illegible] bello, aut [illegible] impedimento [illegible], quo caſu penes Generalem [illegible] facultas continuandi, de conſilio [illegible] Patrum, vel denouo alium inſtituendi. *ibidem.*

P[illegible] Commiſſarij generalis eſt [illegible] ſuper omnes [illegible] & Miniſtros ſuæ familiæ, ſicut [illegible] *art. 2.*

C[illegible] habet iuriſdictionem o[illegible] vniuerſitate v[illegible] [illegible] O[illegible] [illegible] qui [illegible] authoritatem ben[illegible] ſubdelegare poteſt [illegible] delegato [illegible] quam con-

[illegible] conuincunt *Collectoris [illegible] 3.*

[illegible] Prælatus habens [illegible] E[illegible] pra[illegible] Miniſtro [illegible] [illegible] [illegible] [illegible] ad [illegible] [illegible]

[illegible] Commiſſarius [illegible] C[illegible] *4.*

Cu[illegible] Miniſtro generali debe[illegible] omnes, quidquid dicat *Collect.* [illegible] quidem illa inſtituto ſit [illegible] non poteſt per ſe ſolum [illegible] eius [illegible] etſi enim [illegible] Superior, id tamen intelligi debet quoad [illegible] tantum, [illegible] Miniſter generalis [illegible] eadem familia, quia tunc de conſuetudine habet [illegible] viſitationem aliquarum Prouinciarum. *art 4.*

Et quamuis dictus Generalis poſſit per ſe inſtituere aliquem Commiſſarium [illegible] prouincias [illegible] per Belgicas, neque tamen a[illegible] Commiſſario authoritatem ordinariam [illegible] *ibid.*

Cum [illegible] rationabilis, & [illegible] Capituli generalis [illegible] Miniſter [illegible] Commiſſarij au[illegible] con-ſtat ex verbis dictæ *Bullæ v[illegible] ibid.*

Miniſter generalis [illegible] poteſt de conſenſu definitorum Capituli generalis relinquere in eadem aliquem Commiſſarium, *art. 1.*

Quamquam Fratres Indiarum habeant particularem Commiſſarium, non ideo [illegible] iuriſdictione [illegible] Commiſſarius generalis [illegible] quandoque [illegible] Imo [illegible] particularis Commiſſarius [illegible] ditur [illegible] ad correctionem grauium de[illegible] *q. [illegible] art 1. & 2.*

Commiſſarius Curiæ cum ſit Miniſtri generalis Vicarius, ab eodem [illegible] que [illegible] Ca[illegible] [illegible] quitur. *q. [illegible] 1*

Hic [illegible] qua aſſumptus eſt, [illegible] Curiæ

t[illegible]

in ſua, & ſicut huius poteſtatem Miniſter generalis ampliare, & cōſtringere poteſt, ita & illius, cum vtriuſque ſit delegata, *articul.* 2 & 3.

Commiſſarius Prouincialis etiam à Miniſtro Generali cum plenitudine poteſtatis inſtitutus, nihil attentare poteſt contra ſtatuta prouinciæ, nec quidquam innouare abſque conſenſu Patrum definitorium, neque eius iuriſdictio extendit ſe ad eos caſus, in quibus Capitulū prouinciale, aut Miniſter prouincialis cum ſuis definitoribus habet poteſtatem, v.g. circa admiſſionem ad conciones, expulſionem ab Ordine, &c. *Ex declaratione Capituli Burdegalenſis, anno* 15[illegible] *q.* 37.*art.*1.

Commiſſionem huiuſmodi datam Miniſtro prouinciali expirare cum Prouincialatu quoad perſonam eius, ſed non quoad eius ſucceſſorem in officio, declarauit aliquando *Capitulum generale Florentinum, anno* 1493. quamuis expiret morte concedentis. *ibidem.*

Si peculiariter ſit in aliqua prouincia conſtitutiones de electione Commiſſarij, ſecundum illas debet eligi, his vero deficientibus, generalibus eſt inhærendum, *art.*2.

Huiuſmodi Commiſſarij authoritatem Prouincialis diſcedens limitare nequit, ne omnibus aliquando non ſufficienter prouideatur, iuxta *Concilium Trident. ſeſſ.* 24.*cap.*1.

Excipiuntur tamen aliqui caſus, verbi gratia, de cogendo Congregatione vicem Capituli habente, & [illegible] notabilibus totum prouinciam [illegible], aut Prouincialis [illegible] vltra debitum tempus abſit, vt bene decreuerunt ſtatuta generalia. Aduertant dicti Commiſſarij, quod licet & patentes Prouincialis abſentis ſint omnino ſeruandæ, non enim Prouincialis amittit iuriſdictionē ſuam propter abſentiam, *art.*2.

Commiſſarius [illegible] ad Capitulum generale, [illegible] Prouinciam [illegible] [illegible] [illegible] & [illegible] prouinciæ [illegible] vocem [illegible] [illegible] Concilium [illegible] *cap. Quapropter* [illegible]. Nec [illegible] habet Concilium *Trident. ſeſſ.* [illegible] *de Regul. cap.* 6. [illegible] [illegible] ſuum [illegible] Commiſſarius [illegible] Nec certam [illegible] generalis, quia [illegible] votum [illegible] Prouincialis. Deinde ſtatuta A[illegible] authoritate firmata [illegible] ſtatuere [illegible] *artic.* 3.

Commiſſarij, [illegible] Viſitatores, ad viſitandas prouincias miſſi, debent habere plenariam poteſtatem, [illegible] etiam [illegible] tum eſt, [illegible] per conſtitutiones generales [illegible], *art* 4.

Rebelles [illegible] in ipſo[illegible], ſeu murantes ab [illegible] ordinata [illegible] contra conſtitutiones Ordinis [illegible] communicati excommunicatione Papæ reſeruata, *ex Decreto Greg. XIII* [illegible], [illegible] facto priuantur omnibus officijs habitis & habendis, *artic.* 4.

COMMVNICATIO PRIVILEGIORVM.

Vide Confratria.

PRiuilegium concedens communicationem priuilegiorum alterius Ordinis intelligitur de conceſſis, non concedendis, niſi expreſſe dicatur; & de actu valentibus tantum, tam quæ de conceſſis a Papa, quam de antiquis ſuis conſuetudine præſcripta, licet illa Religio eis non vtatur, ed tamen vti poſſit, *tom.* [illegible] *q.* 5. *art.*1.2.3.4.

Ordines Mendicantes ſunt hodie iure communi, & diplomate Apoſtolico, octo, videlicet, Minoritæ, Prædicatores, Carmelitæ, Auguſtinienſes, Ieſuitæ, Minimi, Serui Beatæ Mariæ, & [illegible] Sancti Hieronymi *tom.*3.*q.* 19. *art.* 1. & *quæſt* 52 *art* 1.

Qui omnes, per multa ſingulis in ſpeciali, & generali conceſſa priuilegia, [illegible] omnibus prout induſtri & gratia [illegible] Ordini [illegible] ſuis Eccleſiis & locis conceſſis, ac [illegible] dis communicant ad inſtar, gaudentque ſemper omnibus [illegible] non Mendicantium, [illegible] eorum [illegible] [illegible] *tom primo, quæſtione quinquageſimaquarta, art* 1.2. 3 4 &.

Ex conceſſi[illegible] *art.* 11. O[illegible] Sancti [illegible] gaudent [illegible] priuilegiis & gratiis omnium [illegible] Ordinum [illegible], *art.*6

[illegible] *Greg. XI* [illegible] *anno* [illegible] [illegible] *art.* 7.

Singu-

Singulæ domus Carthuſianæ Canonicè erectæ & erigendæ, immunitate gaudent, & ... con ceſſionibus, ... &c. cum domo Carthuſiæ Gratianopolitanæ, & omnium aliarum eiuſdem Ordinis, reſpectu motu, & ratione indulti, per *Greg. XI. & Pium II. art. 8.*

Per B... *anno 1589.* Ordo Sancti Hieronymi gaudet omnibus immunitatibus, prærogatiuis, alijs que fauoribus omnium Religionum, *art. 9.*

Ordo SS. Trinitatis Prouinciæ Caſtellæ, Legionis & Granatæ regnorū per *Leon. X & Adria. VI* communicat omnibus conceſſionibus & indultis, quibus fruuntur Fratres Mendicantes, *art.* 10

Idem etiam conceſſit Ordini Crucigerorum *Grego. XI anno milleſimo quingenteſimo nonageſimo primo, art.* 11

Et Leo X Ordini Sanctæ Mariæ à Mercede, *art.* 12

Omnes Moniales ſubditæ gubernationi Mendicantium, etiam Tertiariæ, ſiue viuant in communi, ſiue in particulari, voto continentiæ emiſſo, gaudent omnibus gratijs, quibus Fratres, in quantum capacitas earum permittit per multa priuilegia ſingulis conceſſa, *articulo 13. 14. & 15*

Sæculares Confratres Cordæ, Corrigiæ, Scapularis, &c. ... habent priuilegium quoad indulgentias & remiſſiones peccatorum tantùm, non in his, quæ poſſent perturbare iuriſdictionem Epiſcoporum conformiter *Decreto Concil. Trident ſeſſ. 24 de Reformatione, cap 11 art. 16 Vide Confratria.*

Aduertendum tamen, ſolùm fieri Religioſis communicationem eorum, quæ ſunt ipſis fauorabilia (etſi ſæcularibus ex altera parte oneroſa) non autem eorum, quæ ſunt illis odioſa: vnde non fit communicatio cēſurarum, inhibitionum, &c. *art.* 7

Etiam priuilegia Ieſuitarum, omnibus ritè perpenſis, extenduntur ad alios Religioſos, quamuis Bulla expreſſe aliquando h... Quod hæc gratia ... non communicetur, prout colligitur ex ... *Gregor. XIV* ... Ciſtercienſibus, & Crucigeris. Nec ... hoc remittitur, vt à ... Prælatis eis communicentur, *articul. decimo ſeptimo.*

Priuilegia & gratiæ conceſſæ aliquibus domibus ſinguli ... ob ... particularem in Ordine Sancti Hieronymi, ... per *Pium IV* ad omnes domos illius Ordinis tantùm, et-

iamſi in ijs eædem cauſæ conceſſionis, ... ſubſint, ſed aliæ. Et hoc ... priuilegium communicatur omnibus Ordinibus Mendicantium, vnde & ... Portiunculæ extenditur ad omnes Fratres noſtri Ordinis ... tantùm. Sicut eſt de priuilegio ... particulari, quod iuxta declarationem *Leonis X* nequit alijs communicari, *art 18.*

Sicut ... Religio, cui primo facta eſt gratia, per præſcriptionem non vſu eam amittens, non præiudicat alijs Religionibus ea vtentibus, ſicè contrario illa, quæ priuilegium per non vſum amiſit, non poteſt iuuari ad gaudendum eodem ex vſu alterius Religionis, quia ſolum ius communicatur, non autem vſus, & non vſus, qui non in iure, ſed in facto conſiſtit, *articulo 19.*

Sed notandum, oportere haberi ſcientiam priuilegiorum, & voluntatem non vtendi illis, ab his, contra quos talis præſcriptio allegatur, *ibidem.*

Hanc priuilegiorum communicationem *Iul. II.* declarauit ſic eſſe intelligendam, vt conceſſa Miniſtro generali vnius Religionis ſint conceſſa omnibus Generalibus aliarum, Prouincialibus, Prouincialibus, ſimplici Fratri, omnibus Fratribus; & quod feſtiuitatibus vnius Ordinis, etiam feſtiuitatibus alterius, & hæc tam de conceſſis, quam concedendis, *art. 2.*

Religio communicans poteſt vti priuilegio, in quo participat, etiam contra illam cui primo ... tum eſt, quia per gratiam communicationis ita fit ei proprium, vt nullo modo cenſenda ſit habere dependenter ab alia ſecus eſt de familiaribus, donatis, &c. qui vtuntur gratijs tantum dependenter à Religioſis, *art. 21.*

Communicatio priuilegiorum ſemper cenſetur valida, niſi contrauenīat profeſſioni, & obſeruantiæ Religionis; alias minimè: multa enim conceſſa laxioribus, nullo modo communicantur ſtrictioribus, quia ad ædificationem, non ad deſtructionem dantur, *art. 22.*

COMMVNIO.

Ex communicatione in Papalem *Clementis V.* incurrunt Religioſi adminiſtrantes perſonis ſæcularibus Sacramenta Extremæ Vnctionis, Matrimonij, & Euchariſtiæ ſine expreſſa licentia Parochi, qui eſt proprius in ſua Parochia Curatus, in tota Dioc. ... Epiſcopus, & in tota Eccleſia Papa. *tom. 1. queſt 56 art 1*

No[illegible] tamen [illegible] *Clemens* V. priuilegia in con[illegible] concessa [illegible], nec potuit cōcedere, *art.* 2.

Concesserunt plures Pontifices Fratribus Minoribus [illegible] communicandi omnes seculares, [illegible] confessione, præterquam [illegible] Paschatis, quando [illegible] præceptum communionis annuæ, quam tamen possunt peregrinis, & vagantibus conferre. *art.* 3 & 6.

Imo, et gratiam *Iulij* II. factam Minimis, etiam in Paschate, sine timore excommunicationis possunt [illegible] indifferenter ministrare, fidelibus Ecclesiis ta[illegible] *art.* 3 & 6.

Quod etiam per eundem *Iulium* II. possunt sæculares Sacerdotes etiam similiter [illegible] ab Episcopo ad hoc, celebrantes in Ecclesia Fratrum Minorum communicare sæculares de licentia Fratrum, *art.* 7

Etiam Ecclesiis Monialium de licentia Confessoris vel Capellani [illegible] *art.* 9

Quamuis non desint multi graues Patres asserentes, nunquam fuisse intentionem Pontificis, vt Religiosi ministrent Eucharistiam sæcularibus, quando præceptum obligat, vt in Paschate, [illegible] necessitas vrgeret, [illegible] Parochis non tamen facile iudicandum est, eos, qui id attentarent, excommunicationem incurrere, præsertim si admittatur indultum *Iulij II.* etiam pro Paschate non fuisse reuocatum, *art.* 4 & 5.

In Indijs possunt Mendicantes Sacramenta ministrare de sola licentia Regis Catholici, qui ad hoc est Papæ delegatus, sine timore excommunicationis, etiam tunc temporis, quando sunt vbique Episcopi, cum non cesset functio legationis. *art.* 11.

Episcopus potest agere contra Religiosos, qui Sacramenta [illegible] in *supradicta Clementina* administrant, vsque dum sua priuilegia probarint, [illegible] communiter nota, [illegible] Religiosi [illegible] *art.* [illegible]

Episcopi, [illegible] Clerici [illegible] [illegible] *ibidem*.

[illegible]

[illegible] *art.* 14.

CONCEPTIO.

Conceptum fuisse B. Mariam cum peccato [illegible] *art.* 2.

In publicis concionibus [illegible] *ibidem*.

Licet non [illegible] peccatum, quia de [illegible] esse conceptam cum peccato, tamen non [illegible] quia est potere in opinione, quod omnes simplices putant communiter esse de fide. *ibidem*.

Qui publicè quomodolibet affirmant alterutram opinionem esse hæreticam, aut erroneā, in excommunicationem *Sixti IV.* incidunt, quā approbat & innouat *Concil. Trid. sess.* 5 *canon vltimo, art* 1.

Idem Sixtus condemnauit opinionem dicentium, Romanam Ecclesiam celebrare festum spiritualis tantum Conceptionis, & sanctificationis B. Mariæ *ibid.*

Leo 10. concessit indulgentiam plenariam Fratribus Minoribus dicentibus Missam Conceptionis, & stantibus in ea pro sua Sanctitate, & vnione sanctæ Ecclesiæ. Quam postea ampliauit ad omnes Fratres & Sorores eandem audientes. *art* 3.

Sixtus IV. ordinauit, quod omnes & singuli Christi fideles, [illegible] qui Missam & officium Conceptionis B. Mariæ [illegible], cuius initium [illegible] celebrarent [illegible] Horis Canonicis [illegible], eandem [illegible] consequerentur, quam *Vrbanus quartus* [illegible] *quintus*. & alij Romani [illegible] Missam, Officium [illegible] in festo Corporis [illegible] officio & Horis eiusmodi [illegible]

Sixtus V. concessit omnibus & singulis Monialibus [illegible] Mariæ [illegible] Christi fidelibus [illegible] confessis, & sacra Communione refectis, qui singulas, vel

vel quamlibet E[illegible]m M[illegible]m eiuſmo[illegible] in feſto Conceptionis B. Mariæ [illegible]tauerit, [illegible]ibi pro pace inter Chriſtianos Principes conſeruanda, [illegible] ecclæ matri. E[illegible] ex[illegible]c[illegible]æ reliumque ex[illegible]tione, orauerit [illegible]dulgen[illegible] [illegible] [illegible]am, *ibidem*.

Leo Decimus conceſſit [illegible] [illegible]gi[illegible]em Conceptionis beatæ Mariæ, & [illegible]bus Scapularem [illegible] [illegible] [illegible] imagine, eaſdem gratias, quas [illegible] ferentes chordam Fratrum Minorum, & [illegible] Sancti Augustini [illegible], *art.* 4.

Licet in feſto Conceptionis celebrare [illegible] um ſolemniter, ſicut in alijs ſolemnibus diebus tempore interdicti [illegible] & apertis ianuis, exclusis tantum [illegible] etiam tempore ceſſationis a diuinis, *art.* 5.

CONFESSARII
quoad præſentationem.

NVlli Regulares poſſunt confeſſiones ſecularium etiam Sacerdotum audire, niſi præſentati ſecundùm formam iuris, quæ eſt in *Clement. Dudum. §. Statuimus, de Sepulturis, ex Concil. Tridentin. ſeſſ. 23 cap. 15. tom. 1. q. 59. art* 1.

F[illegible]a dictæ Clementinæ ſeme hæc eſt: Vt Prouincialis per ſe, vel per alium accedat ad Epiſcopum, rogans vt admittantur tot Fratres, quot ipſi intendit, & dignentur acceptare, ac ſi per omnia ſeruata eſſet forma iuris. Quod ſi acceptet, ſunt admiſſi, alias minimè, ſed debent perſonaliter præſentari. *ibidem*.

Epiſcopus F[illegible] ſibi præſentatum, & per examen aut a[illegible] modo repertum idoneum ſine cauſa non admittens, facit illi iniuriam. Et talis ſecundum [illegible] poteſt [illegible] audire. Quia Epiſcopi [illegible]dum miniſterium habent approbandi Fratres, non authoritatem concedendi [illegible]em iuriſdictionem, *ibidem*.

Item ſi [illegible] ex[illegible]ata præſentatione Epiſcopi [illegible] dixit. Non præſentetis aliquem, quia non admittemus, pro admiſſis habentur, *ſecundum Cardinalem*. Si vero non recuſet [illegible] dedit licentiam vel neglegat, *ſecundum Gloſſam*, locum habet hic [illegible] [illegible]nam monitionem vel requiſitionem, *ibidem*.

Si Epiſcopus numerum Confeſſorum iudicio Fratrum accessarium acceptare noluerit, ſit quia [illegible] eos ſuper hac contentio, Iudicis arbitrio definiendum eſt, *ibidem*.

Dicta Clementina facta pro Fratribus Minoribus & Prædicatoribus tantum, non eſt ſublata per Concilium Tridentinum, cum ſit lex ſpecialis, nō [illegible] priuilegium, n[illegible] [illegible] quæ [illegible] [illegible] ed[illegible]m, [illegible] *art.* [illegible]

[illegible] Fratrum Prædicatorum & Minorum, per [illegible] Clementinam [illegible] [illegible]em Diœceſi, [illegible] arta, ne com[illegible] Bulla [illegible] in[illegible] *tenta* &c. nec [illegible] vt dictum eſt [illegible] Tho[illegible] [illegible], *art.* 4.

Non [illegible], Regulares admitti [illegible] in vna Diœceſi, [illegible] omnibus ſed debent [illegible] quaque admitti. Tamen ex priuilegio *Greg. XIII.* conceſſo Patribus Ieſuitis, omnes de[illegible] cuiuſcumque admiſſi, iter facientes per terras & mare, poſſunt in omnibus locis, in quibus non exiſtant propria Epiſcopi, prædicare, & confeſſiones audire, non repugnantibus tamen Curatis, *art.* 5.

Pius V. noluit quidem ſemel approbatos iterum ab eodem examinari, ſed tamen permiſit ſucceſſori Epiſcopo, ſi velit, poſſe examinare. Vnde ſemper valet ſ[illegible] ſemel ap[illegible] idonei de [illegible] ſucceſſor [illegible]. Illæ conſtitutio [illegible] Prædicatores & Minores iuxta *Clementinam* admiſſos, vt ſupra, *articul* 6. & 7.

Modo Mendicantes in foro conſcientiæ vti poſſunt omnibus priuilegijs, etiamſi per *Concilium Tridentinum* ſint ſublata, & per conſequens ſrui præſentatione, & approbatione ſemel obtenta, ex conceſſione *Clementis Septimi*, facta Minoribus, qua [illegible] ſic etiam gaudent, *art.* 7

Poſſunt Epiſcopi ex cauſa limitare & coarctare Mendicantium approbationem ad certum locum, tempus, & perſonas, non autem ſine cauſa, *art* 8.

T[illegible] ſine cauſa facere cenſebuntur, quando cum omnibus Regularibus generaliter, ſine differentia [illegible] approbationes [illegible] les eis tan[illegible] g[illegible], [illegible] confeſſiones vtrorum eos [illegible] ex declaratione *Illuſtr. Cardinal. ibidem*.

Prouin[illegible] poteſt renunciare [illegible] perpetuæ approbationi, quia [illegible] renunciare exemptioni [illegible] licentia [illegible] pæ,

cùm tale ius contineat totum Ordinem, non priuatim personam *art* 9.

Doctores & Lectores Theologiæ extra Ordines Minorum & Prædicatorum non debent præſentari, & poſſunt examinari, licet non deceat, *articulo* 10.

CONFESSARII

quoad poteſtatem abſoluendi.

Vide ABSOLVTIO.

Regularis approbatus ab Epiſcopo, aptus quidem eſt, ſed nullo modo exercere poteſt iuriſdictionem contra Superioris prohibitionem, à cuius obedientia Papa nunquam intendit eximere, niſi expreſſe id dicat. Et ſi eligatur in Confeſſorem virtute Iubilæi, aut Cruciatæ, non poteſt contra Superioris conſenſum confeſſiones excipere, *vt declarauit Iulius III ad inſtantiam Generalis Fratrum Prædicatorum, tom.* 1. *quæſt.* 6c. *art.* 9.

Secus ſi licet qui antè quidem approbatus, poſtea tamen à Superiore iuridicè ſit ſuſpenſus, & notoriè, ſi nitentes abſoluere, nihil fieri, ex eodem *Iulio III* Sixtus [illegible] extra iudicium in aliquo aut aliquibus caſibus, quia tunc licet peccet, tamen huiuſmodi confeſſiones validæ erunt, *art* 2

Regularis, qui inſcio ſuperiore admitteretur ab Ordinario, licet abſolueret, quamdiu Superior non annullaret conceſſiones illi factas, peccaret tamen, nec gauderet gratia *Clem* ſed nudam haberet Parochorum authoritatem, *art.*3.

Regularis approbatus ſecundum *Clement.* poteſt audire Diœceſanos contradicente loci Parocho, etiamſi Epiſcopi dicant licentiam data, *non vtatur ea, contradicente Parocho.* cum eius iuriſdictio non dependeat ab Epiſcopo, ſed à Papa, *art* 4.

Regularis approbatus, vt ſupra extra Diœceſim poteſt audire omnes ſuæ diœceſis, *ex conceſſ Sixti IV Fratribus Minoribus. art.*5.

[illegible] domo poteſt audire omnes [illegible] cuiuſcunque Diœceſis, tam Clericos, quam Laicos, imo Regulares & exemptos [illegible] ſua aut obedientia [illegible] quoad omnes caſus, etiam Papæ reſeruatos, exceptis quibuſdam, de quibus vide *Abſolutio quoad ſecul. art* 5.

Non tamen poteſt cum extraneo in votis diſpenſare, licet poſſit commutare *ex conceſſ Eugenij IV* quia nec Epiſcopus [illegible] cui in hoc non eſt ſuperior Religioſus, *ibidem.*

Poteſt etiam extra domum eadem authoritate [illegible] non localis. Cui ſimile eſt & priuilegium de adminiſtranda communione, *art* 7.

Erroneum eſt, [illegible] *Ioannem XXII. & plures alios Pontifices*, tenere, peccata confeſſa & abſoluta per Regulares iterum confitenda eſſe in Paſchate proprio Sacerdoti, *art* 8.

CONFESSARII

quoad diſpenſationes. Vide Diſpenſare

Poſſunt Regulares approbati, vi [illegible], ex priuilegio *Pij V* de licentia tamen ſuorum Prouincialium diſpenſare ad petendum debitũ coniugale, ob cognitionem conſanguinei coniugis intra ſecundum gradum, ſi ſcilicet fuerit copula naturalis cum emiſſione & receptione ſeminis. *tom* 1. *quæſt.* 63 *art.* 1.

Poſſunt Fratres Minores cum cauſa legitima, qualis eſt non poſſe continere, de licentia ſuis Prouincialibus diſpenſare cum coniugatis, qui ante Matrimonium contractum votum ſimplex caſtitatis emiſerunt, vt poſſint petere debitum, non tamen cum iis, qui poſt Matrimonium contractum conſenſu vtriuſque continentiam promiſerunt, in quo ſolus diſpenſat Epiſcopus, *articulo* 2.

Dicta diſpenſatio à Fratribus facta non durat, niſi durante illorum coniugum Matrimonio, ita vt alter coniugum ſuperſtes cum ſua remaneat obligatione non contrahendi Matrimonium ſine peccato, & poſt contractum minimè petendi debitum, ſine noua diſpenſatione. *ibidem*

Licitum eſt Fratribus Mendicantibus diſpenſare in votis Epiſcopis commiſſis iure communi, non autem ſpeciali, verbi gratia, in voto continentiæ ſimplici vrgente neceſſitate, nec facilè patente ad Papam aditu *art* 3. & 6

Confeſſarij Mendicantes poſſunt commutare omnia vota, demptis vltramarinis, & Petri & Pauli de vrbe, Sancti Iacobi de Compoſtella, caſtitatis perpetuæ, & Religionis. Quin & vltra tatem *Pauli* III. & *Greg* XIII extendunt etiam ad vota iurata, dummodo commutatio non fiat in præiudicium tertij, idem dicendum de iuramentis votiuis *art* 4 & 5

Item poſſunt commutare, & diſpenſare in votis pœnalibus, licet pœnæ appoſitæ ſint Papæ reſeruatæ, vt ſi quis voueat religionem ſub pœna ſeruandæ perpetuæ caſtitatis. Nam tunc caſtitas non eſt principale votum, ſed tantum voti acceſſorium, *art.* 7.

Sabla-

Sublato principali voto, ſoluitur & acceſſorium, attamen ſi an[illegible] quis in [illegible] ſe[illegible]ur, aut commutetur votum principale, ad ſolum quis tranſg[illegible]e[illegible]a tur, remanet obligatus ad votum [illegible] acceſſorium, in eo que ſolus ſummus Pontifex poteſt diſpenſare, *ibidem*.

Poſſunt Regulares Confeſſarij [illegible] ſuis Generalibus deſignati Apoſtolicas literas aperire (quarum apertio & executio committitur ſolum Magiſtris in Theologia, & Iure Canonico Doctoribus) & ſecundum earum tenorem pœnitentes impoſita ſalutari pœnitentia abſoluere, & cum eis diſpenſare. *art.8*.

CONFRATRIA.

Vide INDVLGENTIA.

ARchiconfrater chordæ Sancti Franciſci, fuit à *Sixto V.* inſtituta Aſſiſij in Conuentu Fratrum Minorum Conuentualium, licentia facta Generali Miniſtro Fratrum de Obſeruantia, & Commiſſario Generali Vltramontano eorundem Fratrum de Obſeruantia, candem inſtituē- di in omnibus Conuentibus ſui regiminis, vbi non ſunt Minores Conuentuales. *tom.1 queſt* 58. *art.1*.

Plenariam indulgentiam lucrantur Confratres die ingreſſus, præmiſſa confeſſione, & communione dignè facta. Similem etiam conſequuntur indulgentiam in articulo mortis, inuocato nomine IESV ore vel ſaltem corde *ibidem*.

Eandem lucrantur confeſſi, & ſacra Communione refecti, cum interſunt Proceſſioni ſingulis menſibus ſolitæ fieri. Alij verò non Confratres, qui huiuſmodi Proceſſioni interfuerint, centum annorum de iniunctis vel quomodolibet alias debitis pœnitentijs indulgentiam conſequuntur. *ibid*.

Plures alias particulares Indulgentias ob varias rationes conceſſit *idem Sixtus V. ibidem*.

Prædicti Confratres gaudent omnibus priuilegijs quibus Fratres Minores, quoad abſolutiones, & indulgentias *ibidem*.

Ad lucrandas has indulgentias tam plenarias, quam non plenarias, neceſſe eſt, vt chorda [illegible] cinctam deferant benedictam ab aliquo Præſbytero, Guardiano [illegible] Præſidente [illegible] abſentia, & in libris C[illegible] ſeruantur, alias non gaudent priuilegijs *ibidem*.

Fratres corrigiæ Sancti Auguſtini lucrantur ferme eaſdem indulgentias & gratias, communicantque omnibus bonis, quæ geruntur in O[illegible] diue S. Auguſtini, ſed non videntur teneri ad portandam corrigiam, licet teneantur quotidie dicere ter *Pater noſter*, & *Aue Maria*, & vnum *Salue Regina*, cuius loco, qui neſciunt, debent dicere 9. *Aue Maria art. 2*.

CONGREGATIO.

Vide Ordo Regularis.

CONFIRMATIO PRIVILEGIORVM.

PLures Pontifices confirmarunt priuilegia omnium Religioſorum [illegible] forma communi, & quatenus non eſſent contra *Con. Triden.* & perdita per 60. annorum non vſum, quem annorum numerum requiri decreuit *Eugenius IV*. pro Ordine Sancti Benedicti, vt currere et præſcriptio, licet ius commune plures quam 40 non exigat *tom 1 q* [illegible] *art.* [illegible] *& 3*.

Pius IV. anno Domini 1561. ex certa ſcientia & poteſtatis plenitudine confirmauit omnia priuilegia Fratrum Minorum, exceptis contrarijs *Conc. Trid. ibidem*.

Confirmatis priuilegijs alicuius Religionis ſi in forma communi confirmentur, non intelliguntur confirmata ad inſtar illius alteri conceſſa (ſicut nec è contra cenſentur reuocata ad inſtar, ſi reuocentur pro Religione, cui primò ſunt conceſſa) ſecus eſſet ſi confirmarentur ex certa ſcientia. *art* [illegible] *& q 9 art 9*.

Confirmare *in forma communi* eſt confirmare id tantum, quod actu valet, nec ius viribus ſublatus eſt per præſcriptionem. Sed confirmare *ex certa ſcientia*, eſt reualidare & innouare illud, quod amplius actu non valebat, propter præſcriptionem. Quod ſic intelligitur, cum Papa rei tenorem refert [illegible] ex certa ſcientia; quia tunc præſupponitur rem bene calere, alias non cenſetur, [illegible] que [illegible] eſt interpretandum: videlicet, confirmare illud priuilegium, quatenus eſt in vſu *art 3 & 4*.

Per confirmationem *in dubio ſiue forma communi* [illegible] confirmantur & innouantur ea, quæ actu valent, niſi aliud exprimat confirmans, prout exprimit [illegible] clauſulam *non obſtantibus reuocat. omnibus Apoſtolicis*. Per confirmationem vero, ex certa ſcientia (qualis fuit *Greg XIII*) confirmantur etiam ea, quæ ſunt abrogata, & per contrarium vſum reſtituta. *art*

Vt præſcriptio contingat, & priuilegium perdatur per non vſum, oportet habere [illegible] tentiam priuilegij, & [illegible] [illegible] o licet [illegible] velit non vti ſuo priuilegio, non ideo alijs [illegible] bus præiudicare poteſt, ſicut nec Fratres ſeu Conuentus, ſeu Prouinciæ, toti Ordini, ſeu alijs, *art. 5*.

An [illegible] æ-

An pœna per legem vel priuilegium taxata poſſit per contrariam conſuetudinem [illegible] contra [illegible] eſt [illegible] *P[illegible]* [illegible] C[illegible], quem [illegible] *[illegible]dertum ar.* [illegible]

[illegible] legem [illegible] præ[illegible] eſt a[illegible]rum per co[illegible] con[illegible] [illegible]m, etiam pœna a iure taxata [illegible] tranſ[illegible]greſſores [illegible] legis eſt nulla: ſublata enim [illegible] principali[illegible], ſiue legis [illegible] etiam ob [illegible] ex [illegible] a[illegible] [illegible] volumus [illegible] [illegible] [illegible] quæ in [illegible] proprium [illegible].

[illegible] non valere contra *Concil. Trid.* [illegible]gendum eſt, [illegible] expreſſe [illegible] [illegible] non obſtantia priuilegiorum, v[illegible] ſunt hæc, *ſeſſ. 5. de Reformat. cap. 2.* De [illegible] errores vel ſcandala ſeminantibus, contra quos [illegible] Epiſcoporum. E[illegible] *ſeſſ. [illegible] cap.* De p[illegible] adm[illegible] a Su[illegible] [illegible] *[illegible] cap. 11.* De obedientia, [illegible] 19. [illegible] & viſitatione [illegible] [illegible] M[illegible] *ſeſſ. 23. c. 10* De poteſtate A[illegible]atum, [illegible] De ætate Ordinandorū, *ac 12.* de non recipiendis duobus Ordinibus vno die. De [illegible] 15. [illegible] Conſeſſarijs, *ſeſſ. 25 de Reform. cap. 11.* De [illegible] onibus bonorum Eccleſię. & [illegible] Tamen omnia quæ habentur *ſeſſ. 25. de Regularibus*, derogant priuilegijs, *art 7 & [illegible]*

Vbi Concilium non derogat expreſsè, non cēſetur ligare Regulares contra priuilegia, verbi gratia, *Seſſ. [illegible] de v[illegible]um librorum, & ſeſſ. 5. de Reform. cap. 1 de lectione ſacræ Scripturæ habenda [illegible] 22 de Reformat cap. 4. de voce in Capitulis, & ſeſſ. 23. cap. 11. de interſtitijs Ordinum. Ibidem.*

Pius quintus viuæ vocis oraculo permiſit Fratribus Minoribus vti omnibus ſuis priuilegijs etiam contra *Concilium Tridentinum*, in foro conſcientiæ [illegible]: cuius quidem [illegible] gratias datas [illegible] [illegible] X[illegible], reuocauit ad formam [illegible] in foro exteriori tantum (non [illegible] oraculis viuæ voti) ad ſedandas [illegible] inter Clerum & Regulares, quas non ſuſcitabant priuilegia conceſſa in foro conſcientiæ tantum, *art. 10*

Clauſula generalis, *Non obſtantibus*, non extenditur ad legem, vel ſtatutum iuratum, *articulo da[illegible]*

Clauſula [illegible] *contradictoribus*, poſita in Bullis & confirmationibus priuilegiorum, intelligi debet de contradictoribus, qui de facto ſo[illegible]

[illegible] autem [illegible] Et quando Summus Pontifex [illegible] *[illegible] exempti & [illegible] Pau[illegible]* [illegible] e[illegible] nit[illegible] [illegible] deſignata, *art [illegible].*

Clauſula [illegible] *[illegible]atione [illegible]*, [illegible]gitur [illegible] & [illegible] eſt, qu[illegible] [illegible] ſeu [illegible] [illegible] [illegible] conuerſo, *art 4.*

Clauſula alterum, *[illegible] ad hoc aux[illegible] ſit, breuis ſaculis, & ſupplentes omnem defectum*, explicationem vide [illegible] & 16.

CONFIRMATIO PROVINCIALIS.

IN Ordine Minorum eſt Generalis, & eius delegati, confirmare electum Prouincialem, aut etiam infirmare, ſi indignum nouerit, ſecus, ſi aduerterit digniorem eſſe prætermiſſum, cum iure valeat electio digniore prætermiſſo [illegible] nec neceſſariò debet præcedere examen [illegible] electi eius confirmationem, [illegible] (quod eſt contra Collectorem Compendij, ex *Clementina exiſt.*) In contrarium enim eſt praxis recepta in Religione, niſi manifeſtum eſſet dubium de ſufficientia, *art 5. tom. 2 quæſt. 25.*

CONSECRARE VIRGINES.

VElum nigrum eſt quintuplex, Profeſſionis, Conſecrationis, Ordinationis, Prælationis, Con[illegible]entiæ ſiue obſeruationis *tom 1. quæſt. 4. ar. 1.*

Profeſſionis eſt, quod fœminis datur 16. anno completo, & hoc portant in Religione omnes profeſſæ ſiue Virgines, ſiue Viduæ, Conſecrationis eſt, quod datur anno 2[illegible]. ætatis. Ordinationis eſt, quod ſecundum Canones datur anno quadrigeſimo, quæ ideo Diaconiſſa dicebatur, quia dabatur ei aliqua benedictio, ex qua incipiebat [illegible]um inchoandi Horas in Choro & legendi Homiliam, quod [illegible] mo[illegible]do t[illegible] con[illegible] da[illegible] [illegible] [illegible] ex[illegible] illa ætas [illegible] ex [illegible] [illegible] quando [illegible] [illegible]ur, quod [illegible] ante vigeſimum [illegible] annum. *ibidem.*

V[illegible]um Prælationis eſt [illegible] Abba[illegible] [illegible] o [illegible] anno [illegible], hodie tamen in mi[illegible] ætate ad A[illegible] aſſumuntur. Velum [illegible] æ, ſtu[illegible]uationis, eſt [illegible] quidem [illegible] potest [illegible] nu[illegible] etiam dari virginibus [illegible] poſſ[illegible] dari v[illegible] etiam [illegible] imò [illegible] nis vel [illegible] profeſſæ tria [illegible] nec om[illegible] quia nec [illegible] es Mendicantium, nec [illegible] *ibid.*

V[illegible]um co[illegible] e[illegible], ſeu v[illegible]atum, dari poteſt etiam [illegible] acc[illegible] pro f[illegible] Prælati. Vel[illegible] E[illegible] p[illegible] Epiſcopo. [illegible]er non poſſunt Prælati [illegible] Moniales ſuas velare [illegible] ex conceſſione Papæ *art.*

Quæ non eſt virgo [illegible], id eſt, quæ p[illegible] clauſtri, vel poſ[illegible] ſecundum omnes grauiter peccat [illegible] conſecrationem; tamen non tenetur ſe [illegible]amare, c[illegible] illud ſtatutis Ca[illegible] *art* 3.

CONSERVATORES

DE [illegible] ſiue [illegible] [illegible]atolum [illegible] pu[illegible]orum, [illegible] & ad [illegible] rumq. m[illegible] ſtum perſonar[illegible] eſt Pr[illegible], Rex, I[illegible] & illi quidem ſunt o[illegible]. *tom.* 1 *quæſt* 63. *art.*1.

Alij ſunt Co[illegible] in ordi[illegible], Iudices videlicet d[illegible], qui [illegible] ex[illegible] *ibid.*

Sol[illegible] Pa[illegible] poteſt Iudice[illegible] Conſeruatores c[illegible] ced[illegible] Ep[illegible], A[illegible]ate, & [illegible] Eccleſia [illegible] *art.*

[illegible] Prælatos Minores per *Clementinam* [illegible] t[illegible] eſſe ne po[illegible] ut Co[illegible] Ordinum [illegible] videtur [illegible] per gener[illegible] cutiones [illegible] munus, ſine iur[illegible] & [illegible]atione rerum t[illegible]poralium [illegible] exer[illegible] *art* 3

Requiſi[illegible] a Fra[illegible] b[illegible] vt Conſeruatorum miniſterium acceperint pro [illegible] grauamin[illegible] lati, id[illegible] recuſantes, mortaliter peccant, excommunicanturque per *Iulium II, art.*4.

N[illegible] al[illegible] cauſa a Fratribus Conſer[illegible] a dictis Fratribus pro ea[illegible] p[illegible] committ[illegible], etiam [illegible] ſcienter, niſi vel in[illegible] cauſa [illegible] ingeret [illegible] in eo proced[illegible].

[illegible] & Iudicum [illegible] C[illegible] P[illegible] So[illegible] *habentur in Compendio* [illegible] *idem.*

Conſeruatores [illegible] d[illegible] orum ta[illegible] pitat, qu[illegible] *art* [illegible]

[illegible] adue[illegible] & tra[illegible] t[illegible] dictas [illegible] du[illegible] *art* [illegible]

Conſeruat[illegible] ra[illegible] qu[illegible] *art* 9.

Conſer[illegible] XII [illegible] d[illegible] C[illegible]

[illegible] tantum [illegible] Fratribus [illegible] ria, ſed [illegible] Pont[illegible] *art* [illegible]

T[illegible] & [illegible] C[illegible] bus [illegible] a ſt[illegible] & imm[illegible]

De [illegible] damn[illegible] pora bus po[illegible] Conſeruatore[illegible] *vide in* [illegible] *art.*

Conſeruatores M[illegible] etiam pe[illegible] [illegible] ſecundæ [illegible] pa Conſeruat[illegible] *art* [illegible]

R[illegible] pro [illegible]

[illegible] *art.* 17.

[illegible]

CONSVETVDO

C[illegible]

[illegible] *ibid.*

[illegible]

Nullâ conſuetudine poteſt Re[illegible] *art.* 2.

[illegible]

CONVENIRI.

Vide [illegible] *rium, Pro*[illegible]

R[illegible]

[illegible]

CONVENTVALITAS.

Vide Legitima Proprietas.

Innocentius IV [illegible] Mendicantium [illegible] tes C[illegible] Mo[illegible] Regulari [illegible] pe[illegible] C[illegible] tom 1. q. 4. art 1.

A[illegible] 17 [illegible] O[illegible] fu[illegible] a Superio[illegible] Generalis to[illegible] art 2.

[illegible] C[illegible] Fratres p[illegible] a [illegible] de [illegible] a vo[illegible]

C[illegible] ferma [illegible] in [illegible] Or[illegible] art 4.

CONVERSI.

Vide Obitus.

CORPORALIA.

Vide Laici, & Benedicere.

CVSTOS.

NOmen Custodis in nostro Ordine [illegible] r, & [illegible] cap. 8. Regula [illegible] dem. [illegible] vt cap. 4. iuxta [illegible] III & IV Mar[illegible]. A[illegible] specialiter, pro præ[illegible] d[illegible] vt cap [illegible] tom 1. q. [illegible] art 1.

C[illegible] (specialiter sumpto hoc nomine) duo m[illegible] habent [illegible] regia, regendi scilicet Fratre[illegible] custodi[illegible] quorum [illegible] veri Prælati, & [illegible] gen[illegible] atque de[illegible] trum generali[illegible] ibidem.

Leo X con[illegible] Fratribus [illegible] ve [illegible] Ordinis, & nomina Præ[illegible] rum [illegible], & propria, quæ Seraphicus Pater [illegible] in sua in[illegible] apud e[illegible] ibid.

[illegible] Pro[illegible] ad C[illegible] a[illegible] d[illegible] C[illegible] est [illegible] ibid. & art. [illegible]

Quantum ad auth[illegible] Custod[illegible] ua[illegible] vltra p[illegible] ex [illegible] tanta [illegible] M[illegible] generales vel pro[illegible] vel Co[illegible] summi P[illegible] art 8.

[illegible] Prælati [illegible] sed Ep[illegible] art [illegible] C[illegible] a [illegible] art 4.

[illegible] vsi ad [illegible] art [illegible]

[illegible] Sexus [illegible] quia hoc [illegible] & [illegible] art 5.

DEBITA.

Vide Conuentus, Nou[illegible]

REgulares [illegible] art 10.

[illegible] Q[illegible] M[illegible] & [illegible] faciat [illegible] ce sæculari art 6.

DECIMA.

Vide Ex[illegible]

MEndicantes [illegible] & [illegible] & ex[illegible] Por[illegible] XIII. ad C[illegible] de C[illegible] XIII [illegible] tom [illegible]

[illegible] ex a[illegible]

[illegible] X[illegible] [illegible] vel [illegible] [illegible] omni [illegible] præ[illegible] [illegible] quo no[illegible] [illegible] d[illegible] [illegible], ne [illegible] [illegible] [illegible], quod [illegible] Pontifex [illegible] Domi[illegible] [illegible] Cardinalem [illegible] re[illegible] Romas [illegible] al[illegible] E[illegible] [illegible], [illegible] esse [illegible]. *tom [illegible] qu 44. art 4.*

Leo [illegible] III & Bonifacius VIII [illegible] S[illegible] [illegible] præ[illegible], & [illegible] ad te[illegible].

[illegible] Clericatu[illegible].

DECLARATIO.

[illegible] Oraculum.

I[illegible] *VIII & Leo X.* concesserunt Super[illegible] Prælatorum & Minorum [illegible] cum [illegible] Pattum [illegible] re[illegible] mone[illegible] authoritate suæ Sanctitat[illegible] declarare omnia ſubditorum dubia adeo [illegible] poſſint & debeant ſubditi acquieſcere. *to.1.qu.1 art 5.*

Idem *Leo X.* amplians prædictam conceſſionem [illegible] poſſint ſecura con[illegible] ſtare d[illegible] Guar[illegible] & [illegible] Prælati. Sub quo [illegible] Vicarij & Præ[illegible] in ab[illegible] Guardiani *ibid.*

[illegible] Regula[illegible]. *Ex comp. Leon X [illegible] art 6.*

DEGRADATIO.

[illegible].

Degradatio est [illegible], quæ fit [illegible] Reli[illegible] & [illegible] cle[illegible] & [illegible] & [illegible] mo[illegible] ap[illegible] & [illegible] [illegible] *tom. 1 q 23 art 4. & 5.*

[illegible] quæ [illegible] Papa [illegible].

[illegible] E[illegible] ha[illegible] habere [illegible] habet [illegible] vel [illegible] ſe[illegible] nullo [illegible] [illegible].

DESCENDENTIA

[illegible].

D[illegible] & [illegible] [illegible] a [illegible] [illegible], a[illegible] ſtatua [illegible] [illegible] tutiones [illegible] tutine [illegible] E[illegible] necaret [illegible] dicant al[illegible] B[illegible] Conuent[illegible] ad ſe[illegible] gradu [illegible] paterna, & [illegible] ex [illegible] *tom 1 qu 14 art 1 2. & 3.*

C[illegible] [illegible] quartum gra[illegible] ad d[illegible] Eccleſiaſticas [illegible] graues pœnas *Pij IV & Pauli [illegible]* ge[illegible] aut effigies [illegible] cremata *art [illegible]*

Vt deſcendentes ab hære[illegible] [illegible] quod ab [illegible] cemen[illegible] qu[illegible] commiſſum, a[illegible] *art 3.*

V[illegible] de deſcend[illegible] clara [illegible] autem ſi dubium [illegible] [illegible] [illegible] eſt [illegible] [illegible] *art [illegible] & 4.*

[illegible] dignitatem [illegible] ſuis [illegible] [illegible] *art 8.*

S[illegible] [illegible] [illegible]

dicar-

[illegible]

DIFFINITORES.

[illegible]

[illegible]

DISPENSARE

[illegible]

præſtare [illegible] Ordines [illegible] bertas [illegible] lum [illegible] corporis [illegible] de [illegible] d[illegible] *art* 4.

[illegible] Epiſcop[illegible] in ſumo [illegible] p[illegible] *art* [illegible]

S[illegible] p[illegible] diſpenſare [illegible] irregu lari [illegible] in [illegible] c[illegible] lat. *art* [illegible]

Epiſcop[illegible] po[illegible] diſpenſare [illegible] irregularita bus [illegible] cum n[illegible] & ex co[illegible] per [illegible]

[illegible] fu[illegible] ce[illegible] re, [illegible]

Q[illegible] non [illegible] Nauar. [illegible]

[illegible]

Poſſu[illegible] irregu[illegible] præter[illegible] ea quæ prouen[illegible] ex h[illegible] cidio [illegible] mu[illegible] latio[illegible] ne manife ſta, & ad [illegible] diſpenſatione [illegible] & [illegible] nisi [illegible] om[illegible] occ[illegible], poſ ſ[illegible] Pontifex. Quod valet, & eſt in [illegible] ſequi p[illegible]

[illegible] manifeſto, & [illegible] aliquo exceſſu *art* [illegible]

[illegible] non habe[illegible] p[illegible] Cenſura [illegible] Clement. 1[illegible]. quam [illegible] contracta ante ingreſſum ad Or dines. *art.* 1[illegible].

[illegible] cum Nouitiis irregul[illegible] tamen a[illegible] us [illegible] vt ſi [illegible] gre[illegible], in irregularitatem [illegible] c[illegible] *art* [illegible]

P[illegible] m P[illegible] diſpenſare [illegible] & Trid[illegible] præte[illegible] [illegible] r, [illegible] F[illegible] ſ[illegible] to[illegible] ſtru[illegible] Ap[illegible] r[illegible] m[illegible] uam [illegible] poſſ[illegible] Eccle[illegible] c[illegible] bi[illegible] ſodomia, beſtialitas, ſimonia, inceſtus, [illegible] quorum [illegible] ga[illegible] eſt maior quam Epiſcoporum [illegible] *Alexander* I[illegible] [illegible] Clericis *artic* [illegible]

N[illegible] diſpenſare [illegible] bus [illegible] prom[illegible] præter [illegible] & [illegible]

DISPENSATIO [illegible]

PApa non [illegible] Religioſorum ma [illegible] ta [illegible] tione [illegible] v t [illegible] poteſt [illegible] cũ [illegible] & [illegible] e [illegible] ha [illegible] ne [illegible]

[illegible] Pontifex cum [illegible]

[illegible] cum [illegible] Chriſtian[illegible] [illegible]m

[illegible] Religioſorum, [illegible] ſi [illegible] & [illegible] ſu[illegible] V[illegible] C[illegible] [illegible]re *art.* [illegible]

Præl[illegible] [illegible] voluntatis Religioſo[illegible] poſſunt [illegible] diſpenſare, [illegible] au-ſa[illegible] [illegible] vota [illegible] poſt profeſſionem [illegible] præ[illegible], vt d[illegible] [illegible] &c. to[illegible] do [illegible] [illegible] ex e-dat [illegible] de [illegible] dicendo [illegible] R[illegible] [illegible] etiam [illegible] diſpenſare, non [illegible] *art.* 4.

Eadem [illegible] d[illegible] A[illegible] [illegible] teneant [illegible] ut [illegible] d[illegible] [illegible] poteſt [illegible] ſuas *art.* 7.

Non [illegible] Prælati aut Abbat[illegible] vota ſub ditorum [illegible] conſenſu facta [illegible] do, ſicut ne[illegible] & Moniales [illegible] [illegible] tacita conditione [illegible] emiſerint, [illegible] eorum Prælati nō [illegible] *ibid.*

Omnia vota perſonalia & mixta ceſſant emiſſa profeſſione in Religione aliqua approbata. *art.* 8.

Tempore Nouitiatus non tenetur Nouitius ad [illegible] quæ [illegible] poteſt implere in Religio-ne [illegible] tenetur, [illegible] autem poſſunt Prælati diſpenſare & commutare in [illegible] ſeu [illegible] Religione [illegible] [illegible] [illegible] Nouitiatus [illegible] *art.* 6. & 8

Ex conceſſione *Eugenij IV.* facta Bene[illegible] [illegible] Prælati regulares diſpenſare cum [illegible] v. g. Ca[illegible] [illegible] Ordine [illegible] [illegible] in hoc Ordine [illegible] 6

[illegible] quaſi Epiſcopalem [illegible] [illegible] & [illegible] [illegible] [illegible] &c [illegible] [illegible] [illegible] cauſa [illegible] ac [illegible]

ceſſante ex Regula, poſſint Prælati [illegible] que [illegible] diſpenſare [illegible] ſua [illegible]ione ſu[illegible] defectum neceſſitatis, ita vt [illegible] [illegible] è pec[illegible] tom [illegible] q. [illegible] *art.* [illegible]

Obligationa [illegible] Regulæ Fratrum Mino-rum præter tria vota, [illegible] vota, [illegible] præcepta, [illegible] [illegible] *art.* 4.

Ad [illegible] *Pius* [illegible] [illegible] Regulæ præceptis quæ [illegible] [illegible] nc *art.* 1 & [illegible]

Card[illegible] contra C[illegible] p[illegible] [illegible] *Leo* X. [illegible] poſſ[illegible] [illegible] [illegible] dantes [illegible] Fratres [illegible] propria [illegible] & ex [illegible] *art.* [illegible]

Pius [illegible] etiam ad [illegible] [illegible] Qui [illegible] [illegible] *conſcientia* [illegible] ve[illegible] fraus appareat, [illegible] in ob-ſeruantiæ relaxationem *art.* 5.

Subditus abſens a Superiore poteſt [illegible] [illegible] caſu rigorem [illegible] eſſe [illegible] ſed [illegible] eſt [illegible] tas quia [illegible] eſſe debet [illegible] quam [illegible] Prælato [illegible] *ibidem*

A[illegible] poſſe Prælatos [illegible] omnibus [illegible] diſpenſare [illegible] negant, [illegible] a[illegible] ſtatua is, quam [illegible] habet [illegible] ſe ipſum. Prudentes er[illegible] facere [illegible] [illegible] Prælatis [illegible] [illegible] Confeſſ[illegible] [illegible] cum poſſint diſpenſare [illegible] [illegible] [illegible] authorita-tem Confeſſori ab ipſis electo [illegible] quo poſſint [illegible] *art.* 6

Tam [illegible] quam dant diſpenſationem ſine iuſta cauſa, [illegible] [illegible] conſcientiæ [illegible] [illegible], [illegible] [illegible] & R[illegible] [illegible] hu[illegible] [illegible] *q.* 46 *art.* 4.

An

An grauius peccet diſpenſans, an petens ſine cauſa, dubium eſt. Videtur tamen quòd concedens, licet in vno & altero poſſit eſſe veniale, ſecluſo ſcandalo, & alijs malis, quæ inde emergunt. art 5.

Prælato præcipienti aliquid contra Regulæ præcepta, ſi adſit iuſta cauſa, ſubditus debet bene ſentire, ſcilicet quòd tunc diſpenſet; ſed ſi ſine cauſa apparente, debet reuerenter monere, ſe nõ poſſe in hoc ſine diſpenſatione obedire, nam Prælato præcipienti contra Regulæ præcepta, & non cum cauſa diſpenſanti, non tenetur quis obedire. art. 10.

Diſpenſatio contra ius commune eſt ſtrictè interpretanda, ita tamen vt ſeruetur proprietas ſermonis, & reſpectus detur ad tacita & acceſſoria, quæ ex præcedentibus & ſubſequentibus colliguntur. Quando autem eſt gratioſa, aut in corpore iuris incluſa, latè eſt interpretanda art 11.

DIVINVM OFFICIVM.

Vide Monialis

AD ſedandos ſcrupulos Leo X. conceſſit, quòd Fratres Minores ſatisfaciant officio ſecundùm Regulam, dicendo illud ambulando, ſedẽdo ob aliquam cauſam, non integrè pronunciando per imperitiam aut negligentiam, aut defectum linguæ, ſeu aliàs qualitercumque imperfectè cum diſtractione dicant, dummodo hæc ex malitia nõ faciant. Et ſimiliter dicentes cum alijs quòd non teneantur repetere ab ijs imperfectè pronunciata, aut nõ integrè audita ob ſtrepitum, aut diſtantiam qualitercumque, & præſertim in choro. Quòd ſi aliquid omiſerunt, ſatius eſt, vt dicant, ad ſupplendum omnem defectum, vnum *Pater* & *Aue*, aut Orationem quę incipit, *Sacroſanctæ*, &c. ex eodem *Leone*, *tom.1 q.24. art.2* & 3.

Item *Leo* conceſſit, vt omnia quæ ſecundùm rubricas debent dici ſecreto, non teneantur pronunciare verbaliter, ſed poſſint tantùm mentaliter, quod ſatè eſt priuilegium. *art* 4.

Idem conceſſit Minoribus indulgentiam mediatatis peccatorum commiſſorum illo die, quo officium ex libro recitauerint *art* 6.

Prælati poſſunt diſpenſare cum Fratribus infirmis in officio diuino, ſi non valeant illud legere ſine tædio, aſſignando eis aliquid aliud ad arbitrium ſuum, tum quia ſunt Fratres ex *Eugenio* IV. qui etiam conceſſit, cum ipſis Prælatis quemlibet Presbyterum pro quemuis eorum eligendum ſimili modo diſpenſare poſſe. *art* 7.

Fratres Minores itinerantes poſſunt ſatisfacere officio, dicendo Horas vel ſeparatim, vel cum alijs, cum quibus ſe inuenerint: licèt non ſecundùm vſum Romanum, per *Innocent. IV* nec contradicit Bulla *Pij* V. in principio Breuiarij. *art.* 8.

Non erit peccatum mortale, ſi cum fieri deberet de Feria, fiat de Feſto bis, terve, ſecus ſi ſæpius, propter notabilem peruerſionem Ordinis Breuiarij *ibidem*

Leo X pro ſcrupuloſis conceſſit Fratribus Minoribus occupatis aliqualiter & occupandis, vt poſſint anticipare & poſtponere, dicendo Matutinum veſperi, & manè cætera vſque ad Veſperas exclusiuè ſine peccato, etiam ſi occupatio non ſit multum neceſſaria. Vrgente verò neceſſitate idem conceſſit, vt poſſint mutare officium Feriæ in officium Sancti. Ad hæc refert Veracruz Pium V. conceſſiſſe, quòd Fratres ſine ſcrupulo poſſint dicere Matutinum ante Solis occaſum, & manè ratione itineris aut alterius occupationis, reliquum vſque ad Completorium incluſiuè, cum credunt ſe deuotiùs tunc dicturos. *art.5 & 18.*

Moniales Sanctæ Claræ ſub cura Minorum degentes, non tenentur ſub peccato ad officium Defunctorum, ſeptem Pſalmos, & canticũ Graduum: ſicut nec ipſi Minores. *Ex Leone X art.14.*

Probabile eſt, Minores teneri certis diebus ad Officium B. Mariæ in choro, per antiquam conſuetudinem Ordinis præſcriptam, ex mente *Pij V. ibidem*.

DONARE.

Vide Eleemoſyna.

DOnatio eſt datio liberalis ſiue irreddibilis, id eſt, recompenſationem non intendens. Vel eſt rei licitæ, nullo iure cogente, mera liberalitate facta collatio. Eſtque duplex, videlicet inter viuos, & cauſa mortis. Donatio inter viuos, eſt, quando rem, quam dono, malo habere eum, cui dono, quàm me. Donatio cauſa mortis eſt, quando rem, quam dono, malo me habere, quàm illum, cui dono, ſed magis illum, quàm hæredem. Hæc eſt reuocabilis, illa irreuocabilis. *Ex iure tom. q 47 art.1.*

Donatio omnium bonorum præſentium, & futurorum licèt iure ciuili non valeat, valet tamen per Canones, facta Eccleſiæ, aut pio loco principaliter; ed eiuſmodi Eccleſia, aut locus tenebitur ad debita, & alimenta donantis. Dixi principaliter; nam ſi èt donaretur omnia bona præſentia & futura Titio, v. g. ea lege vt a tui Monaſterio faceret eleemoſynam, donatio eiuſmodi non tenet. *art 1.*

Per *Clementem* VIII. *anno* 1599. prohibiti ſunt

E Regu-

Regulares donare; intelligendum tamen eſt de donis gratioſis, non remuneratoriis ſemper licitis, conformius legi naturæ, modò non vitientur ſimonia, *art.* 3

Fratres Minores nunquam poſſunt dare, niſi concurrentibus quatuor ex *Nicolao III & Leone X.* Primò res debet eſſe vilis determinata à Superiore. Secundò, neceſſaria eſt licentia Prouincialium, non Guardianorum, niſi ex conſuetudine, quæ iam videtur eſſe in vſu, & in minimis ſufficit generalis, & præſumpta licentia. Tertiò, quòd res donanda ſit mobilis: ex immobilibus enim, puta de horto, domo, &c. facta donatio, eſt nulla. Quartò, res donanda non debet eſſe pecunia, cum illius vſus ſit illis interdictus. Eadem licentia requiritur ad acceptandum à potẽce dona, attamen ad recipiendum videtur ſufficere præſumpta licentia, quæ eſt, quando id, quod donatur ipſi Fratri, eſt neceſſarium, ſtatuique, ac Regulæ conſentaneum, *art* 4.

Donationes Nouitiorum, etiam cum iuramento ob cauſam piam factas ante completum decimum menſem Nouitiatus, quæ alias ſecuta profeſſione confirmantur, *Concil. Trident. ſeſſ.* 25 De Regularibus, *cap.* 6 annullat & irritat. Quod extenditur etiam ad donationes factas ante ingreſſum, intuitu tamen ingreſſus Religionis, *art.* 8 & 9.

Donatio cauſa mortis facta à Nouitio valet, cùm talis non poſſit auferre libertatem ad vocẽdum, vtpote reuocabilis *art.* 10

Profeſſione facta, ſed irrita exiſtente, ſi reclamet intra quinquennium, ſicut irritatur profeſſio; ſic & omnis donatio, ſi facta ſit ſecundũ formam *Conc Triden artic.* 11.

Ad tollendam omnem doli ſuſpicionem, expreſſe mandat *Concil. Trident.* donationem ſecundum eius formam debere fieri de licentia Epiſcopi, aut eius Vicarij, *art* 14

Hæc de donatione Nouitiorum, ſicut & alia contenta in citat. *Seſſ. de Regul* non comprehendũt Ieſuitas, vt expreſſe ibi dicitur *articul.* 16.

DOS.

Vide Alimenta Monaſterium.

Concilium Trident *ſeſſ* 25 *De Regularibus, cap* 3. ſtatuit nullum Monaſterium debere habere plures, quam vt commodè ex reditibus, aut conſuetis eleemoſynis ali poſſint, vnde ſi igitur plures indotatos alendo expenſis Monaſterij vnde licet recipere plures cum dote ſufficiente pro ſua ſuſtentatione, ſed cauendum eſt à ſimonia, cũ plerumque accipiantur munera intuitu receptionis neceſſariæ, non ſuſtentationis, *tom.* 2. *q* 43. *art.* 1.

Si Monaſterium ſit ſufficienter dotatum, accipientes dotem vix excuſari poſſunt à ſimonia, & nullo modo ſaltem ab auaritia, ſicut etiam qui paciſcuntur de maiori ſumma, quam ſufficiat ad Religioſam ſuſtentationem. *ibidem.* & *art.* 2.

Prælati poſſunt & debent (ſicut ſtatutum eſt legibus ciuilibus) taxare ſummam communem pro ſuſtentatione recipiendorum cum dote, ſecundũm loca, tempora, & perſonas, ſtatutâ cõmuni; quam ſummam poſſent in particulari minuere, modo ſemper remaneat ſufficiens, etiam contradicente conuentu, *art* 3 & 4.

Parentes Nouitij dantes Monaſterio dotem, niſi a Monaſterio pignus accipiant, aut fideiuſſorem de datis mutuo, & Religioſi acceptantes ante factam profeſſionem, excommunicantur per *Concilium Tridentinum citatæ ſeſſ. cap* 16. ne videlicet inde quoquo modo libertas impediatur nouitij. *art.* 5.

Religioſæ paciſcentes de dote, tenentur reſtituere totum id, quod ſuperat taxam communem & ſufficientem, niſi ipſe exceſſus ipſis liberaliter concedatur. *art.* 6

Monaſterium poteſt petere compenſationem dotis non ſolutæ tempore debito à parentibus profeſſi; ſed caueatur vſura. *artic.* 9.

Fraus de dote ex parte Nouitij iam profeſſi, vt ſi verbi gratia promiſiſſet, Monaſterium ſucceſſurum ad ſuam hæreditatem, cum tamen antea renuntiaſſet legitimè, non dirimit profeſſionem, efficit tamen, vt Monaſterium non teneatur alere, ſed poteſt à parentibus iuridice petere alimenta, non manendo apud parentes, ſed in Monaſterio, cum ſit verè Religioſus, *art* 8.

ECCLESIA.

Vide Altaria AEdificia Hæreditas, Immunitas, Legatum.

AEDIFICIA.

Vide excommunicatio.

Cæteris paribus melius eſt, & Deo gratius fundare & ædificare Eccleſiam Collegiatam, Regularem, præſertim Mendicantiũ, quam ſæcularem. *tom* 2. *quæſt.* 49. *art* 1.

Non poſſunt hodie Mendicantes noua loca conſtruere, nec conſtructa recipere ſine licentia Epiſcopi loci *Ex Trid ſeſſ* 25 *de Regular. cap.* 3. Et hæc ſufficit abſque alia ſummi Pontificis auctoritate. *art.* 2.

Non poſſunt Fratres mutare Monaſterium de loco in locum, ſine Papæ licentia, ex *Bonifacij VIII. conſtitutione*, non mutata quoad hoc per *Concil. Trid art* 4

Poteſt tamen Generalis Monaſterium non am-

ampl ùs commodum dimittere in manibus Ordinarij ex *Sixto IV.* dicti Generalis conſcientiam ſuper hoc onerante *tom. 1. queſt.* 23 *art.* 6.

Clemens IV. prohibuit Mendicantibus ædificare de nouo prope domum iam conſtructam Minorum, niſi intermediet ſpatium trecentarũ cannarum in aëre menſurandarũ, vbi aliàs rectè menſurati loci diſpoſitio non permittit. Et quamlibet iſtarum cannarum voluit octo palmorum longitudinem continere, non obſtante varia locorum conſuetudine *art.* 5.

Innocentius IV. ſtatuit, vt infra dimidiam leucam à terminis poſſeſſionem Carthuſienſium, nulli Religioſo liceat conſtruere ædificium, aut poſſeſſionem acquirere, *ibidem.*

Vrbanus IV. conceſſit Ordini Ciſtercienſi, vt nulla ædificia poſſint conſtrui intra vnum miliare ab Abbatijs, & eiuſdem Ordinis locis, ſub pœna excommunicationis, *art.* 5.

Leo X. ſpeciali priuilegio conceſſit Minoribus, quod adueniente neceſſitatis caſu Eccleſiæ tam Fratrum Minorum, quàm Monialium Sanctæ Claræ, poſſint transferri & mutari de vno loco ad alium, & locus prioris Eccleſiæ reduci ad vſus humanos; dummodo materia ædificiorum ponatur in alia Eccleſia, *art.* 6.

Eccleſia ſæcularis facilè authoritate ſolius Epiſcopi poteſt fieri Regularis, ſed ſine præiudicio Clericorum ſiue beneficiatorum dictæ Eccleſiæ: ita vt alibi æquè prouiſum ſit eis, quia non poteſt Summus Pontifex concedere priuilegium cum præiudicio magno tertij. *ibidem.*

Fundatori non reſeruãti ſibi dominium Conuentus, & fundi Eccleſiæ ædificatæ pro Fratribus, poteſt Syndicus de conſenſu & voluntate Miniſtri Prouincialis, & communitatis dare ius patronatus ipſius ſucceſſoribus, quia hæc donatio potiùs cedit in vtilitatem Fratrum, ex qua alij animantur ad conſtruendum pro Fratribus, *ar.* 7.

EIECTIO A RELIGIONE.

Vide Homicida, Profeſſio.

ALexander VI. conceſſit Generali & Prouinciali, poſſe expellere ſpoliatos habitu incorrigibiles, ad quod Sanctus Bonauentura ſuper Regulam Minorum, q. 12. dicit tria requiri ſaltem in foro conſcientiæ. Primum, quòd Fratribus & ſecularibus eorum delicta ſint notoria. Secundũ, quòd noceant alijs ſuo malo exemplo. Tertium, vt probetur incorrigibilitas. *to.* 1. *queſt.* 30 *art.* 14.

Incorrigibilitas iudicanda eſt, quando ſæpe correctus de crimine pœnas non vult ferre, nec culpas dimittere, vel ex pœnarum ſæpius iterata inflictione iudicio diſcretorũ cognoſcitur nõ proficere. Hæc habent ſtatuta Fratrum Prædicatorum, ſecundùm quæ non poteſt expelli Frater, quamdiu vult corrigi; apud Minores verò incorrigibilis dicitur, qui ter conuictus & punitus de crimine graui, vt eſt apoſtaſia, non fuit correctus. Vnde quarta vice poteſt expelli *ibid.*

Talis vt ſupra dicitur incorrigibilis de iure, ſed poteſt quis incorrigibilis de facto iudicari, ſi in primo crimine ſunt circumſtantiæ grauiſſimæ, *art.* 15.

Prælati volentes eijcere inſolentes, vtendo virtute conceſſionis *Pij V.* non tenentur ſequi conſilium Seniorum, bene autem virtute conceſſionis *Alexandri ſexti*, niſi fuerint Generales, qui per ſeipſos duntaxat poſſunt eijcere, *art* 14. 15. 16 & 17.

Poſſunt expellere ob homicidium, & peccatũ Sodomiticum perfectè & ſæpius perpetratum, ſed non decet, ſi pœniteant, nec aſſueſcant, nec tutum eſſet in conſcientia, cùm æquitas ibi deſit, & miſericordia, *art* 18, & 19.

Conſuetudo fuit olim eijciendi incorrigibiles cum habitu, & tales poterat, & tenebatur Superior recipere, ſed *Alexander Sextus*, *Pius Quintus*, & alij modò conceſſerunt poſſe tales ſine habitu expelli, & totaliter ſæculares fieri, quo ſemel facto nunquam iure licet eiuſmodi ad ordinem recipere, ſine Papæ mandato, niſi præſcripta conſuetudo ius contrarium in aliquo Ordine obtinuerit, qualis eſt in Minorum & Prædicatorum Ordinibus, *tom.* 1 *queſt.* 23. *art.* 4. & 5.

Eiecti etiam iuridicè non liberantur ab obligatione votorum, & præceptorum; ſed tantùm ſuſpenditur obligatio quoad ea, quæ extra Ordinem ſeruare non poſſunt. Vnde ſi redeant ad eandem Religionem, non debent iterum profiteri; ſecus ſi ad aliam, *art.* 20. & 29.

Innocentius Quartus prohibuit vt Minores, quos Generalis vel Prouincialis ab Ordine eiecerint, vel proprio motu egreſsi fuerint, non præſumant prædicare (cum ſint infames) ſeu confeſſiones audire, niſi de licentia Sedis Apoſtolicæ, aut prædictorum Miniſtrorum, ad alium trãſierint Ordinem. Et quòd ſi contra huiuſmodi inhibitionem aliquid temerè fuerit attentatum; poſſunt dicti miniſtri in illos excommunicationis ſententiam promulgare. *art* 21.

Eiectus cũ habitu nunquã poteſt per ſeipſũ illũ dimittere; nec vllus Papã inferior valet in hoc diſpenſare: ideo propria authoritate illũ temerè relinquẽs, eſt excõmunicat⁹, a qua tamẽ excõmunicatione videtur liberari, ſi bona fide, & ſine fictione aſſumat aliũ religionis in genere habitũ, *ar.* 27

Eiectus ſine habitu poteſt, deberq; ſe vti habitu clericali O[illegible] ſentit hinc via Papæ diſpenſatione [illegible]*cm*

Eiectus iuſtè [illegible] tenetur redire hinc vbi rogari [illegible] nec p[illegible]ur, ſi non admittatur, poteſt tuta conſcientia [illegible]gere in ſæculo. *art* 21.

Eiecti cum literis teſtimonialibus Superioris eijcientis poſſunt intrare quemtumque Ordinem, etiam laxiorem, demptis Sancti Auguſtini hoſpitaliorum, & militaribus Ordinibus, ſed ſine illis literis nullum poſſunt ingredi prorſus Ordinem, nec recipi abſque licentia ſpeciali Sedis Apoſtolicæ Ex *Innocent.* IV. *art* 22

Superior eijciens non poteſt obligare eiectum, vt intra certum tempus ingrediatur alium ſtrictiorem Ordinem, cùm exutus non ſit amplius eius ſubditus. *art.* 23

Eiecti debent ſe ſtatim ſubdere Epiſcopo, aut originis, aut alicui alteri, à quo poſſunt diſpenſari, ſi indigeant diſpenſatione, modo non ſit Papæ reſeruata; quin etiam poterunt ab eo ad Ordines promoueri titulo beneficij (ſi habeant) aut patrimonij. *art* 24 & 25.

Eiecti cum remaneant incapaces proprietatis, non poſſunt ſibi acquirere, nec Monaſterio, à quo ſunt expulſi, cùm deſinant eſſe Regulares; ergo nec dare, nec teſtari; ſed bona per eos acquiſita ſunt Eccleſiæ Regularis aut ſæcularis, cui inſeruiunt, Pontificis aut Epiſcopi. *art* 26.

Eiectus poteſt ſtatim à Iudice ſæculari puniri, etiam pœna mortis, vt docet praxis communis, niſi ſit Clericus, in quem tunc nihil poteſt ſæcularis niſi ei expreſſe tradatur, à Iudicibus verò Regularibus ſuæ Religionis cõdemnari tantum poteſt ad exilium, aut triremes, non ad mortem. *art.* 28.

ELECTIO.

Vide Epiſcopus, Abbatiſſa, Commiſſarius.

Electio eſt idoneæ perſonæ ad dignitatem, vel fraternam ſocietatem, ſeruata forma Canonica, facta vocatio eſtque triplex. Prima, per modum ſcrutinij. Secunda, per modum compromiſſi. Tertia, per modum communis inſpirationis. *tom.* 2. *q* 51. *art.* 1

E[illegible] per ſcrutinium faciende ſubſtantia trium ſcrutatorum numerum exigit, niſi collegij exiguus numerus excuſet. *art* 2.

Scrutinio præmittitur iuſiurandum, in Religionibus obedientia, vota deinde ſecreto exquiruntur; poſſuntque [illegible] gotijs g[illegible] auiſſimis teſtes adhiberi, quo res citra omnem ſuſpicionem fiat. *art.* 3.

In ſcrutinio danda ſunt ſuffragia pura & certa, non ſub conditione incerta, & ambigua. *art.* 4.

Concil. Trident ſeſſ. 22 *de Reform. cap* 4. prohibens illum poſſe ſuffragari in electionibus, qui non eſt in ſacris, non comprehendit Monachos, nec Mendicantes, ſed tantùm Canonicos Regulares, nec requirit ætatem 22 annorum, vt [illegible] ante ætatem ordinati, niſi ſint ſuſpenſi, poterunt habere vocem *art.* 5

Superiores Ordinum Mendicantium poſſunt diſpenſare cum ſuis quoad electiones ex iuſta cauſa. *ibidem*

Iure communi prohibentur laici ſuffragari in electionibus Prælatorum: verum in Religione Minorum conſuetudo præſcripta contrarium obtinuit; vnde in quibuſdam prouincijs habent vocem in omnibus etiam paſſiuam; in alijs autem nec actiuam in omnibus, ſed tantùm in receptione Nouitiorum *art* 5.

Poſſunt electores legitimè impediti aliquem mittere Procuratorem ſuo nomine ſuffragaturũ, ſaltem cum iureiurando de impedimento legitimo. Nec hoc abolet *Concil. Trid ſeſſ.* 5 *de Regul. cap* 9 vt expreſſè declarauit *Sacra Congregatio*, ſed tantum abuſum antiquum, quo ſolebãt ipſi Præſidentes talem v.g. N. ſubſtituere in locum N. v.g. abſentis. *art.* 6.

Sixtus V. præcepit vt electiones Superiorum & Officialium in Ordine Minorum de Obſeruantia, per ſchedulas clauſas fierent ſtatim coram communitate comburendas, ad maiorem eligentium libertatem: alia irritat totum. quod non comprehendit Moniales, quæ debent ſequi dictamen *Concil Trident citatæ ſeſſ. cap* 7. volentis vt Superior, quicumque ſit, nõ ingrediatur Monaſterium, ſed recipiat vota Monialium ante cancellorum feneſtellam. *art* 8.

Electio poteſt coarctari ad certum genus perſonarum, v g ad ſolos Gardianos, vel certã nationem, v.g. Ciſmontanam, ſi tamen inter tales aliqui digni inueniantur, ſed non ad certas perſonas, v.g. aut 4. vocaliuum paſſiuorum, cum id expreſſè ſit contra libertatem & ſacros Canones, ſine Papæ diſpenſatione, alias eſt irrita electio, & Præſidens id faciens in electione Prouincialis ſecundum *Pium* V ſuo officio priuatus exiſtit, poſt ſententiam tamen Iudicis; in electione verò Gardiani non priuatur officio, ſed electio eſt nulla *art.* 10. & 11.

Præſidens quantumque ſit authoritatis, non poteſt quempiam priuare voce actiua aut paſſiua, niſi ſeruato iuris ordine quoad ſubſtantia[illegible], ſi non citetur, ſi non detur illi locus ſe defende[illegible]

nec quidquam faciunt literæ Apoſtolicæ:nã ſic intelligendæ ſunt, vt ſubſtantia iuris, & præſertim naturalis, ſeruetur. Nec valent cenſuræ ad hoc latæ,ſi quæ ſunt in electio. *art.*12.

Omnis profeſſus ſtatim atque emiſit tria vota ſecundùm Canones,videtur habere vocem in electionibus Prælatorum, quod conforme eſt conſuetudini antiquarum Religionum ; & *Nauarrus* id ſecurius iudicat,nec noua conſuetudo in contrarium eſt bona, niſi ſit legitimè præſcripta. *art.*13.

ELECTIO
GENERALIVM
ET
PROVINCIALIVM.

ELectio in Ordine Minorum Generalis aſſumendi ex vtraque familia alternatiua vice, fieri debet ab omnibus vocalibus vtriuſque familiæ *iuxta Papales Conſtitutiones*, nec poteſt iam protendi vltra ſexennium, niſi forè ad paucos menſes,ſine Papę diſpenſatione.*tom* 2.*q* 52.*art.*1.

Generalis canonicè electus, eo ipſo,quo pronunciatur electus, priuilegio Papali cenſetur cõfirmatus,nec eget alia confirmatione;quod & alijs Ordinibus iam conceſſum eſt.*art* 3.

Nicol III. prohibuit,ne Minores poſſint mortuo Generali,eligere Vicarium Ordinis, ſine expreſſa Papæ licentia ; ſed iam contrarium obtinuit conſuetudo, vt habetur in ſtatutis Toletanis Ordinis.*art.* 4.

Electio Prouincialis in Ordine Minorum videtur olim pertinuiſſe ad Capitulum generale, ſed iam per *Clement.* V. pertinet ad prouinciale. Quòd ſi electores (vt habent *ſtatuta Toletana*) in varia placita diuiſi,in vnius diei ſpatio non elegerint, Præſidens Capituli poterit ſecundum iuris communis diſpoſitionem, quem voluerit, ſecundum Deum eligere: idem eſt faciendum, ſi electores elegerint ſcienter indignum ; ſi verò fuerit electio digni,prætermiſſo digniori, non debet irritari,bene autem indigni *art.*6.

In Prouincialem poteſt eligi omnis Frater idoneus,licèt non ſit de corpore Capituli, quod vſu receptum eſt in Ordine Minorum ; non tamen alterius prouinciæ, niſi vrgente neceſſitate cum conſenſu totius definitorij .*art* 7.

Poteſt Pontifex facere,vt ſæcularis aliquis, & multò magis Frater alterius Ordinis,poſſit creari in Abbatem, qui erit caput & Prælatus Monaſterij,licèt id multùm dedeceat, vt colligitur ex *Trident.ſeſſ* 25. *de Reg. cap.*21. Cùm enim ſit Rector Fratrum, ad perfectionem ſuæ Regulæ decentiſſimum eſt,vt præeat exemplo,& experientia Regulam doceat *art* 8.& 9.

Legatus verſimiliter diſpenſare poteſt,vt Frater vnius Religionis ſtrictioris, aut alterius æquè ſtrictæ,licèt non laxioris Obſeruantiæ, in alia Religione eligatur in Prælatum *art* 10.

Qui fuit quondam Prouincialis, modò duæ interfuerint electiones,poteſt iterum eligi. licèt non omnino ſit completum ſexennium, ex *Greg.* XIII. *art* 12

Prohibitio iuris,ne fiat electio ſucceſſoris ante completam defuncti ſepulturam, non ligat Mendicantes, ex *Clement.*4. præſertim quando occaſiones vrgentes id poſtulant *art.*13.

Stante ſtatuto,ne Vicarius Conuentus eligatur in diſcretum, qui mittitur ad Capitulum prouinciale, Viſitator etiam cum plenitudine poteſtatis iniuſtè diſpenſat cum eo, niſi adſit cauſa rationabilis.*art.*14.

ELECTIO
Guardianorum,& Priorum Conuentualium.

LIcèt iure communi electio ſuperioris Conuentualis ſpectet ad Conuentum, tamen in Ordine Minorum per ſtatuta à Pontificibus approbata, pertinet ad Definitores in Capitulo congregatos,per modum compromiſſi, quod *Nauarrus* iudicat conuenientiſſimum : extra Capitulum verò talium electio pertinet ad Definitores, vel ad Conuentum,*tom* 2 *q* 53 *art* 1:

Guardianus electus, ex ipſo cenſetur confirmatus ex *Clem* 4. quod iam omnibus alijs Conuentualibus eſt conceſſum *art* 6.

ELECTIO
Abbatiſſarum & Priorìſſarum.

ELectio Abbatiſſæ pertinet ad Conuentum, & debet fieri ſecundùm formam *Concil. Trid.ſeſſ.* 25.*de Reg.cap.*6.& 7 *tom* 2 *q* 54.*art.*1.

Electa monialis per ſcrutinium ſecundùm *Concilium Tridentinum*,ſi ſit canonice electa,id eſt, ſi habeat duas partes ex tribus, debet ſtatim confirmari, non obſtante contradictione tertiæ partis,ſed non, ſi ſit electa à maiori quidem parte, non tamen explente duas partes ex tribus: tunc enim Prælatus ante confirmationem debet audire partem reclamantem, ſine ſtrepitu & figura iudicij,& ea audita confirmare aut irritare; illa autem ſic electa antequam irritetur,poteſt vti iuriſdictione, modò res Monaſterij non alienet,nec vllam inter Moniales recipiat.*art.*7.

Cum additur in electione Monialis clauſula, *De conſenſu medietatis Conuentus*, intelligitur, quòd conſenſus iſte debeat exquiri ab omnibus Capitulariter congregatis: non enim aliter effi-

cium corpus communitatis, à quo corpore debet fieri electio, *art. 2.*

ELECTI OBLIGATIO
ad acceptandam Prælationem.

DEbitè electus, illicitè fugit, aut ſe abſcondit ſine ſpeciali Spiritus ſancti inſtinctu, ſed meritorie bona intentione poteſt acceptare dicens: *Ecce ego, mitte me*, vel humiliter ſeſe excuſare, niſi obedientia cogat, aut conſcientia ob inopiam alterius idonei ſtimulaiet, iuxta *ſacros Canones. tom 2 quæſt. 55 art. 1*

Regularis Canonice electus in Prælaturam extra Ordinem, eget voluntate Superioris ad cōſentiendum (niſi confirmetur a Legato Cardinali) tamen veriſimiliter poteſt cogi Superior ad conſentiendum, præſertim ſi bonum commune id poſcat. *art. 2.*

Non poteſt Superior concedere licentiam pro electione futura, ſi fieri contingeret, vt in quadam *Clementina* determinatur, & tenet *Sylueſter. art. 2.*

Si Legatus Regularis conferat beneficium quodcumque ſæculare, valet etiam ſine conſenſu Superioris. Item ſi eligatur in Papam, quia eo ipſo efficitur omnium Superior & dominus, *tom. 2. q 124. art 3.*

ELIGI PROCVRANTIVM
POENAE.

REgularis in electionibus, vel ante eas per ſex menſes ſubornans electorem mala ſubornatione, ipſo facto excommunicatur, olim à ſummo Pontifice, hodie etiam à Generali, & eius Commiſſario, quando de illis non eſt ſubornatum, abſoluendus, & priuatur voce actiua & paſſiua. *tom. 2. quæſt. 56 art. 1. ex Pio V. & Gregorio* XIII.

Hæc excommunicatio eſt latæ ſententiæ, ſed priuatio vocis non incurritur, niſi poſt ſententiam Iudicis in foro conſcientiæ, ex *Soto. ibidem.*

Subornatio eſt ſuaſio, qua ſuadetur verum vel falſum, ob bonum vel malum finem, ſi in bonū, eſt bona, ſecus, ſi in malum. *ibid.*

Iiſdem pœnis afficiuntur, & inſuper priuantur omnibus officijs Ordinis recurrentes ad ſæculares mendicaturi fauores ad obtinenda officia, etiam ſi iurent in conſcientia & Fratres & ſæculares, dummodo de malitia non conſtiterit, ex *Pio V. & Greg* XIII. *art. 2.*

Non incurrit tamen has pœnas; qui has literas impetrauit, ſed ad electorum manus non peruenerunt. Similiter nec ignorans has conſtitutiones ſaltem in foro conſcientiæ. *ibidem*

Moniales impetrantes ſimiles fauores non incurrunt illas pœnas. *ibidem*

Gregorius XIII. & *Clemens* VIII. Generali, & alijs Prælatis Ordinis Prædicatorum in virtute ſanctæ obedientiæ inhibuerunt, ne gratiam, dignitatem, aut officium cuicumque Fratri conferant, aut pœnas ipſis debitas relaxent rogatu cuiuſcumque ſæcularis, etiam Imperatoris, & Cardinalis. *art. 2.*

Si per perſonas extra Ordinem degentes fauores ad aliqua officia procurauerint, inhabilitant eos prædicti Pontifices ad illa & maiora officia, nec poſſunt niſi à ſummo Pontifice rehabilitari. *ibid.*

Innocentius VIII prohibuit ſæcularibus, cuiuſcumque ſtatus, dignitatis, & conditionis exiſtāt, ſub excommunicatione incurrenda ipſo facto, & priuatione beneficiorum, ſi habeant, quocunque modo ſe intromittere in electionibus Prælatorum Ordinis Sancti Hieronymi; quod indultum tangit tantum extraneos, non Fratres. *art 3.*

ELEEMOSYNA.

Vide Fratres Minores, Paupertas, Mendicitas.

MOnaſteria tenentur præcepto eleemoſynæ quoad ſuperflua, cùm Religionis ſcopus ſit charitas, vt docet *Thomas 2 2 q 32, art 5. & tom. 2 q 57. art 1*

Monachus de his, quæ ſibi ab Abbate dantur. v.g. pro munere Sacriſtæ, Organiſtæ, &c. & pro ſuſtentatione, poteſt moderatas facere eleemoſynas, ſicut ſolent alij facere, nec contradicit *Conc. Trid ſeſſ 25 de Reg ca. 2.* ſiue ſit in itinere, ſiue ſtudeat extra Monaſterium. *art. 2.*

De bonis communitatis non poteſt dare ſine peccato, abſque expreſſa licentia, aut præſumpta (quæ eſt, quando talia communiter dantur, Superiore ſciente, & tacente) & niſi in extrema neceſſitate, aut graui, Superiore abſente, quia tunc præſumitur velle *ibidem.*

Regulares, ac etiam Militares, non poſſunt impendere reditus in alios vſus, quam in illos, in quos intendit Regula, quam ſunt profeſſi, alias peccant. *art 5.*

Iulius II. ſub pœna excommunicationis ipſo facto incurrenda inhibuit Conuentualibus, & alijs Mendicantibus, ne impediant Fratres Minores Obſeruantes, quin liberè poſſint petere eleemoſynam temporibus & locis conſuetis, & mendi-

mendicare aduentu & præuentu aliorum minimè requiſitis . . . expectati . . art 6.

Concilium Tridentinum ſeſſ. 21. c. 9. nullo modo voluit tollere vſum mendicationis Religioſorum, ſed abuſum quorundam falſorum queſtuariorum, & baiulorum falſarum indulgentiarũ, lucri tantum gratia, &c. *art. 7.*

Sixtus IV. ſubiecit Epiſcopos ſuſpenſioni à Regimine, interdicto ingreſſus Eccleſiæ, alios vero inferiores excommunicationi, dilu dentes populo, ne eleemoſynas darent Fratribus Mendicantibus, voluitque, contra tales vt Inquiſitor procederet, tamquam ſuſpectos de fide. *ibidem.*

Bonifacius IX. conceſſit etiam Prædicatoribus id ipſum, quod conceſſum eſt a ſuis prædeceſſoribus circa eleemoſynas petendas, & intuitu et prohibuit, vt nullus illas prohiberet in ſuis Eccleſijs celebrare, & oblationes in Miſſis, vel alijs ad Altare ipſorum peruenientes recipere, & conuertere in ſuos vſus, iuxta morem ſui Ordinis, & quòd ipſo facto ſint excommunicati omnes contrafacientes, non abſoluendi, niſi Sedi Apoſtolicæ perſonaliter ſe præſentent, *art. 8.*

EPISCOPVS.

Vide Abſoluere. Apoſtaſia. Exemptio, Diſpenſare, Prædicare, Obedientia, Proceſſio.

Dubium eſt, an Regularis peccet deſiderando Epiſcopatum: Negans opinio ſanior eſt, cum ſtatus Epiſcopalis ſit perfectior ſtatu Religionis; debet tamen adeſſe rectus finis, vnde ſecundum omnes tenetur illum acceptare Superiore mandãte, etiam Ieſuita, licèt voto ſimplici renunciauerit uti dignitatis ſæcularis acceptandæ, ex *Paulo* III. *tom. 2. quæſt.* 38. *articul. 1.* & *2.*

Nullus Regularis poteſt conſentire, etiam de Superioris licentia, electioni de ſe in diſcordia factæ, ad aliquam Prælaturam extra Ordinem ſuum, prout traditur in iure. Nec poteſt ſine licentia Superioris Epiſcopatum acceptare, ſi offeratur, verum poterit conſentire ſolus Prælatus, ſine capitulo, vel Conuentu *art. 1.*

Monachus factus Epiſcopus ſolutus eſt à iugo Regulæ Monaſticæ, quoad obedientiam, cum ſit factus de filio pater, & quoad ea quæ repugnant dignitati & officio Epiſcopali, v. g. a ieiunijs, vigilijs, modo cantandi, ſilentio, & vt poſſit fieri compater; nullo autem modo quoad reliqua, videlicet quoad tria vota eſſentialia eo modo, quo ſeruare poteſt, & quoad delationem habitus, licèt propter dimiſſionem illius fortaſſe non excommunicetur *art* 3.

Epiſcopus factus extra Ordinem degens, non amplius gaudet priuilegijs Religioſorum, niſi de Prælatorum conſenſu. *Ex Sixto* IV. *articulo* 4.

Quæ acquiſiuit ante tranſitum ad Epiſcopatum, & tempore ſuæ promotionis, verbi gratia, habitus, libros, &c. tenetur totum Superiori Ordinis ante conſecrationem reſignare, ſub pœna ſuſpenſionis ab officio Pontificali, ex *Clemente* IV. niſi forte Prælati vtilia huiuſmodi rerum ad tempus conceſſerint, ex *Alexandro* IV. ſed quæ poſtea acquiſiuit, ſunt Eccleſiæ, cui præeſt. *art* 6.

Regularis Epiſcopus factus, etiam Minor, recuperat ius ſuccedendi ad hæreditatem paternam, ſed non teſtandi, rum non poteſt ſibi acquirere, ob votum paupertatis, ſed tantum Eccleſiæ, niſi Apoſtolica auctoritate, quæ ſemel data, valeret etiam Papa mortuo: nam facultas teſtandi ad . . ., non eſt odioſa, nec ad primas . . . ex . . . tamentum . . . quam . . . cum quo eſt deceſſurus impetrans. *articulo* 7. & *tom.* 3. *quæſtion* 63. *articulo* 4. 5. & 6.

Beneficiarius Regularis poteſt æquè diſponere de . . . ſuorum beneficiorum, atque ſæculares, qui ſi dicantur in iure domini, intellige non de dominio libero, ſed reſtricto ad dandum ſuperflua pauperibus, cuius etiam domini ſunt capaces Regulares *tom* 1. *quæſt.* 38. *art* 8.

Superior Regularis habet eandem iuriſdictionem in ſuos ſubditos quoad regimen, quam Epiſcopus in ſuos vt ſimpliciter Epiſcopus, non autem vt Inquiſitor fidei, aut delegatus Sedis Apoſtolicæ in certis caſibus, vt de hæreſi occulta, à qua non poteſt Superior Regularis abſoluere ſeclusio omni priuilegio, *tom.* 1 *quæſt* 20. *articul.* 10. & 11.

Regularis Curatus in Eccleſijs ſubiectis iuriſdictioni ſui Abbatis ſubeſt tantum Epiſcopo quoad curam animarum, & ſacramentorum adminiſtrationem, ex *Trident ſeſſ* 25. *de Reform cap.* 11. Vbi tamen . . . vnde non tenentur . . . , vel ſeruare excommunicationem ab ipſo latam; quod intellige de exemptis & habentibus priuilegium. *tom.* 1. *quæſt.* 36. *art.* 4.

Ex verbis *Conc. Trid. in decreto de obſer & evit in Miſſa,*

Miſſa, videtur, Epiſcopos poſſe compellere Regulares, vt diebus Dominicis in ſuis Eccleſijs annuntient populo feſta & ieiunia hebdomadæ, *tom. 1 q. 45. art. 7.*

EREMITAE.

Eremitæ ſunt, & olim fuerunt in triplici differentia: alij enim ſunt Sarabitæ per mundum euntes; alij dicuntur Anachoritæ ſeu ſolitarij; tertij dicuntur Cœnobitæ in congregatione viuentes. Inter quos omnes illi, qui profitentur vitam Religioſorum in Ordine viuendi approbato à Papa, aut ab Epiſcopo, habentes Superiorem, nihil habere poſſunt proprium, & inter perſonas Eccleſiaſticas numerantur, gaudentq; priuilegio fori, ita vt ante Iudicē ſæcularē nequeāt cōueniri. Alij, qui tantùm nominati poſſunt Pœnitentes, non fruuntur priuilegio fori, licet omnes ſint iure approbati, ſed ſi non ſunt iuriſdictioni locali ſæculari. *tom. 3 quæſt. 49. art. 4. & tom. 2 q. 63 artic. 20.*

EVCHARISTIA.

Vide Communio.

EXCOMMVNICARE.

Svperiores Ordinum exemptorum, ſunt proprij paſtores Fratrum iure habentes in eos omnem iuriſdictionem, quam exercere poſſunt vbique, id eſt, etiam extra Monaſterium, cum non habeant territorium, intra quod limitetur eorum poteſtas; hinc vbique poſſunt ſedere pro tribunali, quamuis honeſtius facient, ſi in ſuis locis ſuam authoritatem exerceant *tom. 2. q. 59. art. 1.*

Poſſunt Prælati Ordinis Minorum ferre ſententiam excommunicationis, quando opus eſt, ſine ſcriptis contra tenorem iuris, priuilegio *Leonis X.*

Circa quod *Constitutiones Toletanæ* Fratrum Minorum ſtatuunt, ne ferant ſententiam excommunicationis ſine ſcriptis, quando eam ferunt per modum ſtatuti de cauendo aliquo peccato, aut actione ſuſpecta (talis dicitur ſententia quæ fertur pro omnibus & ad ſemper, & cenſetur eſſe a iure) ſed quando ferunt tantùm per modum præcepti (quæ dicitur ab homine) poſſunt ſine ſcriptis. *art. 3*

Per conſtitutiones ſupradictas declaratur, non poſſe Guardianum excommunicare in tribus caſibus, ſcilicet ad finem reuelationis in iudicio, pro dep. editis aut ſubſtractis rebus, cum non habeat iuriſdictionem quaſi Epiſcopalem in his requiſitam *art 4.*

Nullus Legatus (niſi de Latere Sedis Apoſtolicæ miſſus vel delegatus, aut ſubdelegatus, authoritate literarum Sedis præmiſſæ) poteſt excommunicare, ſuſpendere, vel interdicere Regulares, niſi literæ ipſæ plenam & expreſſam faciant mentionem de indulto exemptionis; multo minùs id poſſunt Ordinarij. Quod item priuilegium habent Religioſi militiæ vitales, & vt perſonæ ſingulares ipſarum militiarum profeſſæ, non autem in quantum ciuitatum ſunt Rectores, ſi perturbent Epiſcopalem iuriſdictionem *art. 5*

Si priuilegium non ſit Iudici notum, neq; priuilegiatus in longo libertatis tenore fuerit, tunc ſententia excommunicationis contra eum lata tenet, niſi in priuilegio eſſet clauſula irritans. Similiter, ſi alleget priuilegium non publicatum, neque Iudici notum, neque in longo libertatis tenore fuerit, & ſi Iudici petenti ſibi oſtendi illud priuilegium, non vult oſtendere, nec clauſulam continentem ſuam libertatem, tenebit excommunicatio, ſi contra eum feratur. *art 6.*

Noluit *Nicolaus* V. Fratres ligari aliqua cenſura excommunicationis, ſuſpenſionis, aut interdicti, iuris vel hominis, niſi nominatim de ipſis Religioſis ſpecialis fiat expreſſio *art 7.*

Duplex eſt excommunicatio, generalis, & ſpecialis. Generalis rurſus duplex, lata ſcilicet à iure, & lata ab homine. Lata à iure eſt, qua generaliter canon, conſtitutio aut ſtatutum excommunicat eum, qui illud, aut illud fecerit, aut non fecerit. Lata ab homine eſt, quam Iudex generaliter fert in illum, qui illud, aut illud fecerit, aut non fecerit. Inter quas hoc eſt diſcriminis; quòd lata ab homine moritur mortuo homine vel ablato eo ab officio, quoad eos qui antè non inciderunt; at lata à iure minimè. *tom. 2. q. 60. art 1.*

Multæ ſunt cenſuræ & excommunicationes, quæ in ſacris Canonibus, Regularibus imponuntur. Verùm multæ earum iam non ligant, quia per contrariam conſuetudinem, aut non vſum, alijſve modis ſunt ſublatæ. *art 2.*

EPICHEIA.

Epicheia eſt æquitas, ſeu iuſtitia dulcore miſericordiæ temperata, cuius officium, ſeu proprius actus eſt, in caſibus ſpecialibus diſcedere à verbis legis, ſeruata tamen eius intentione, penſatis omnibus circumſtantijs. *tom. 2. quæſt 46 artic. 2.*

Hæc

Hæc virtus maximè neceſſaria eſt ad regimen Regularium, & tranquillitatem Religioſorum, qui aliquando literales tantum exiſtentes maximis ſcrupulis ſuccumbunt; ad cuius intelligentiam hæ Regulæ conſtituuntur.

1. Interductam, & benignam interpretationem diuini præcepti, & humani, in dubio, cæteris paribus, benignior eſt ſemper ſequenda.

2. Neque Deus, neque Eccleſia, ſuis præceptis nos obligare ad vix poſſibile, aut nimis difficile (quod moraliter & ciuiliter dicitur impoſſibile) intendit: alias iugum Chriſti non eſſet ſuaue.

3. Nec Deus, nec eccleſia intendit ſuis præceptis obligare, ſic quòd quis ea implendo, ſi vel appareat fatuus, aut quòd bona tollatur vrbanitas, aut conuictus honeſtus cum aliis hominibus, neque conſulit, vt ſic ſe habeat homo, vt alijs riſui ſit, ſaltem apud viros bonos & diſcretos: Nec cum graui ſcandalo aut damno præſertim ſpirituali, iudicio prudentũ, quod in hac & priori regula debet attendi.

4. In dubiis vita ſenſuſque communis virorum bonorum ſumi debet in exemplum, & regulam viuendi.

5. In his quæ ſunt mala, quia prohibita, iure tantum humano excuſat conſuetudo præſcripta, aut legitima, quia tollit legem, & eſt eius interpres.

6. In quolibet caſu prætermittẽs facere quod lex imponit, excuſari poteſt à peccato ſaltem mortali, quamuis non ſemper à veniali, ſi hoc facit bono animo virtute epicheiæ: ſine contemptu, ratione alicuius periculi, neceſſitatis, ſeu circumſtantiæ conſideratæ; putans ſe non peccare mortaliter, paratus nullo modo facere, ſi putaret eſſe mortale. *Vide Diſpenſatio quoad vota. artic.2.*

EXEMPLAR.

DEdictum ex originali licèt iure non valeat, niſi citata parte, cuius intereſt, ſaltem edicto generali; hoc tamen non habet locum apud Minores. Voluit enim *Leo X.* quod tranſſumptis quarumlibet literarum Apoſtolicarum Fratribus Minoribus Obſeruantiæ conceſſarum manu Notarij publici ſubſcriptis, ſigillo alicuius Curiæ Eccleſiaſticæ, vel perſonæ in dignitate Eccleſiaſtica conſtitutæ, munitis eadem prorſus fides adhibeatur in iudicio, vel extra, quæ ipſis originalibus haberetur. *tom.1 q 8 art.17.*

Iudex poteſt procedere contra omnes ſeſe opponentes Fratribus Minoribus de Obſeruantia, ſecundum rigorem alicuius clauſulæ ſibi exhibitæ, & à Notario fideliter extractæ ex marimagno, & aliis quibuſcumque in poſterum concedendis, ex *Leone X ibidem.*

EXEMPTIO

quoad ſeculares.

Vide Conueniri, Benefactores, Familiares. Tributum.

PErſonæ Eccleſiaſticæ, & Religioſæ ſunt iure diuino exemptæ à ſæculari iuriſdictione, ſed bona earum ſunt exempta tantùm iure humano, dictante tamen naturali ratione. *tom 2 q 62. art 2. & queſt.63. art.2.*

Iudex ſæcularis poteſt ſequeſtrare triticum etiam Religioſorum tempore maximæ neceſſitatis communis, pretio taxato ſibi dato, modò tamen eis relinquat ad ſufficientiam, tam pro ſe, quàm pro ſuis, authoritate iuris naturalis, & ciuilis *q 62 art 3.*

Monaſterium litigans cum ſæculari in cauſis temporalibus debet ipſum laicum conuenire coram Iudice ſæculari, & ipſe laicus poteſt coram eodem Monaſterium reconuenire, niſi ipſe laicus ſit erga Fratres ſacrilegij reus, quia tunc eſt conueniendus coram Epiſcopo *art 11.*

Poteſt Regularis conueniri coram Iudice ſæculari pro litigio feudi (non in cauſa criminali) cùm Monachus feudatarius etiam vaſallus dicatur, *art.10.*

EXEMPTIO

quoad Epiſcopos.

IVre communi omnes tam Regulares quàm alij Clerici Epiſcopis ſubſunt; vnde à priuilegio eſt exemptio, quo licèt damnum aliquod videantur incurrere Epiſcopi, tamen abundè compenſantur fructu multiplici inde ad ſuas oues naſcente. *tom 2. q 62. art 1 & 2.*

Hanc exemptionem ſine dubio poſſunt facere ſummi Pontifices & de facto fecerunt, pijs & grauibus de cauſis. *ibid & art.3.*

Exempti à iuriſdictione Ordinariorum, & Legatorum intellige communium: nam iuxta *Clement.* IV. à Legatis à latere non ſunt exempti, ſicque veniunt interpretanda priuilegia concedentia Regularibus exemptionem à Legatis Sedis Apoſtolicæ *artic.4.*

Moniales ſubiectæ Regularibus Prælatis authoritate Apoſtolica, gaudent eadem exemptione, qua Fratres. *art.5.*

Exemptus non notoriè, citatus tenetur comparere, & priuilegium Episcopo roganti oſtendere: cuius tamen priuilegij interpretationem dare non eſt Episcopi, ſed ſolius Pontificis, ex *Paulo* III. *art.* 7.

Regulares notoriè exempti, vt ſunt Mendicantes, citati ab Ordinario, vt compareant in iudicio, non tenentur coram ipſo comparere, nec oſtendere priuilegium, niſi in citatione exprimatur cauſa quæ fundat iuriſdictionem Ordinarij, vt tradit *Couarruuias art* 7

Si exemptio fuit obtenta a Papa, & ſit plena exemptio non tenebũtur Regulares ad ius reuerentiale Episcopo, demptis tamen aliquibus caſibus *art.* 9.

Cum per exemptionem Papa Regulares immediatè ſibi ſubijciat, non licet Regularibus ſine eius licentia huic priuilegio renunciare. Vnde ſi ex negligentia patiantur ſe Ordinarijs ſubijci, poſſunt ſe tueri ex iure quod competit Papæ, contra quem non præſcribitur niſi 100. annis. *articulo* 10.

Multi ſunt caſus, in quibus Regulares ſubſunt etiam Episcopis. ſecundùm pleraque iura, præſertim ſecundum *Concil. Trident art.* 11.

EXEMPTIO

quoad Superiores Ordinis.

NVllus inferior Papa poteſt aſſumere ad aliquod munus Regularem, etiam defectu alterius, abſque expreſſo ſui Superioris conſenſu, priuilegio *Gregor.* XIII. facto Ieſuitis, & *Leonis* X. Minoribus, qui tamen eximit Legatum à latere. *tom* 2 *q.* 64 *art.* 1.

Ordinariorum eſt, & aliorum in dignitate conſtitutorum, quando à Prælatis, aut alijs Fratribus Ordinis Minorum requiruntur, aut etiam à Romanæ Curiæ Commiſſarijs, examinare quaſcumque literas Apoſtolicas exemptiones alicui Regulari conceſſas, ex cõmiſſione *Iulij* II. *per Conc. Trid* confirmata *art.* 2.

Prælatus ex magna cauſa, v.g pro authoritate Monaſterij, aut Religionis, poteſt Fratrem Episcopo deputare ſocium, imo & Principi ſæculari, ut Magnati *art.* 1.

Licet obedientia debita Principibus poſſit præſcribi, non & quæ debetur Eccleſiaſticis Monachus tamen obedientiam ſuo Prælato promiſſam nullo temporis ſpatio præſcribere valet. *artic.*

Clemens IV. prohibuit, ne aliquis Frater Minor exemptus ab obedientia Ordinis poſſit contra ſtatuta Religionis morari in domibus Fratrum dicti Ordinis, aut in eorum officijs ſe immiſcere, vel intromittere. Idem conſtituit *Sixtus* IV. pro Carmelitis ſub excommunicationis pœna ipſo facto incurrendæ ab admiſſis & admittentibus ad Capitula, Congregationes, & Ordinis negotia, ſeu officia, niſi Generalis pro tẽpore conſenſus interuenerit. *ibid.*

Nullus Regularis quocumque munere fungens, licèt Regis aut Sedis Apoſtolicæ ſit Capellanus, eximitur à ſui Superioris obedientia, ſed eius correctionibus in omnibus, & per omnia eſt ſubiectus *art.* 4.

EXEMPTIO

quoad tributa & exactiones.

CVm perſonę, & bona Deo conſecrata ſint iure diuino exempta à ſæculari iuriſdictione, nullus ſæcularis poteſt ſuper eis imponere tributa, gabellas, angarias, &c. quod plurimi Pontifices confirmarunt, etiam appoſitis cenſuris. Ergo Religioſi etiam poſſidentes, omnino exempti ſunt ab oneribus eiuſmodi (niſi de facto ſæculares grauarentur) pro quo *Paulus* IV. ampliſſimum priuilegium dedit Ieſuitis, vt habetur in Compendio eorum. *tomo.* 2. *queſtione* 65. *artic.* 2.

Regularis Mendicans, obtinens aliquod beneficium ſæculare contra ſui Ordinis ſtatuta ex diſpenſatione Papæ (quod iuſta de cauſa fieri præſumendum eſt) non tenetur ad onera Eccleſiaſtica, alijs v.g. Canonicis, aut ſimiliter Beneficiaris communia; licèt multi oppoſitum teneant, volentes quoad hoc, illum priuari priuilegijs ſui Ordinis *art.* 3

Fratres Sancti Ioannis de Malta etiam eximũtur per conceſſiones amplas, præſertim *Sixti* V. *art.* 4.

Fratres Tertiarii, & Sorores in proprijs domibus habitantes, licet omnino videantur perſonę Eccleſiaſticæ, & per conſequens immunes, tamẽ ex declaratione *Leo.* X tenentur ad onera, & conueniendi ſunt coram Iudice ſæculari: ſed non collegialiter viuentes, & vota ſolemnia emittentes, ſeu cum clauſtralibus habitantes, aut mulieres virginalem, ſeu cælibem, aut caſtam vidualẽ vitam ducentes, ex eodem *Leone* X. *articulo quinto*

Sæcularis, licet Rex, imponens Regularibus talia tributa ipſo facto excommunicatur, niſi priuilegij habita notitia, & monitus protinus deſti-

defiſteret à moleſtia inferenda, quòd ſi cõtumax poſt admonitionem perſeueret, a ſolo Papa poteſt abſolui, per multa priuilegia *art* 6.

Ex priuilegio conceſſo Congregationi montis Oliueti, debent Prælati Eccleſiaſtici Regulares in prædictis defendere cenſuris Eccleſiaſticis, appellatione poſtpoſita, non obſtantibus literis etiam Apoſtolicis non facientibus expreſſam mentionem de hoc indulto, ac de verbo ad verbum. *ibidem*

Epiſcopi imponentes Regularibus exactiones pro pontium reparatione, & alijs, caſu, quo eas ſecundum ſacros Canones imponunt licitè Eccleſiaſticis, non frangunt immunitatem Eccleſiaſticam: non enim fit contra eam, quando fit contra Regularium priuilegia, ſed cùm aliquid contra libertatem vniuerſalis Eccleſiæ molitur, vt tradit *Syluester ibidem*.

EXEMPTIO
quoad charitatiuum ſubſidium.

MOnaſteria exempta ad charitatiuum ſubſidium minimè ſunt obligata *to 2 quæſt* 66. *art*. 1.

Monaſteria exempta, ſi habeant Eccleſias, aut Capellas populum habentes ſibi annexas, aut (ſi populum non habent) quæ ſunt Eccleſiæ, & Capellæ ſeculares, tenentur ratione illarum charitatiuum ſubſidium ſoluere, cùm iure communi Capellæ & Parochiæ ſubſint iuriſdictioni diœceſanæ. Quod tamen intelligendum eſt, quando ex priuilegio proprio, aut conſuetudine præſcripta aliud non habetur *art* 2.

Mendicantes & Fratres Sancti Ioannis Hieroſolymitani ſunt exempti à contributione facienda pro Seminario puerorum, eorundemque ſuſtentatione, ijque ſoli. Ex *Concil Trid. ſeſſ* 23. *de Refor. c*. 18 *art*.3.

Quando ex fundatione res, vel priuilegia data ſunt Eccleſijs Regularibus intuitu pietatis, & neceſſitatis, debent apud eas manere, etiam ſi ſeculares fiant, quando verò priuilegium, vel collecta, vel ſubuentiones impenſa fuerunt propter ſtrictiorem vitam, ſeu reformationem, tunc reformatione ceſſante non debentur dictæ ſubuentiones *art*.4

Non debentur ſubuentiones Eccleſijs Regularibus datæ propter Religionem, ſi ipſæ in ſtatum ſæcularem redigantur. Similiter exemptio ab exactionibus iuſis conceſſa ex priuilegio deperditur, ſi talis exemptio intuitu Religionis fuit conceſſa. *ibid*.

EXHAEREDARI.

PRobabilior eſt opinio ſecundùm iuris Pontificij interpretes, hæreditatem Monacho relictam, immediatè Monaſterio acquiri, neque ſore neceſſariam Monachi aditionem. *tom* 2. *quæſt*. 77 *art* 1.

Communior ſententia eſt, quòd Monaſterium poſſit adire inſcio, & inuito Monacho, quia licèt ſcripti hæredis nomen proprium non obtineat, legis tamen interpretatione habet quod idem operatur. *ibidem*.

Non poteſt exhæredari Monachus à patre cauſa ingratitudinis commiſſæ ante Profeſſionem. Poteſt tamen pater exhæredare filium matrimonium contrahentem abſque eius conſenſu, etiamſi ante conſummationem Religionem profiteatur. Quod quidẽ locum habet, quando ingratitudo, ob quam exhæredari debuit filius, concernebat perſonam patris, velut ſi patrẽ ceciderit, non autem ſi directè reſpiciat ſolum filium *art* 2.

Statuum continens quòd filia ingrediens Religionem non ſuccedat patri, cùm ſit impeditiuum futuræ ingreſſionis, & ſit contra libertatem Eccleſiæ, videtur inualidum iuxta *ſacros Canones*. *art* 3

Vtrùm ſubſtitutio facta ſub hac conditione, *ſi ſine liberis deceſſerit*, cenſeatur euanuiſſe per ingreſſum Religionis, quæſtio eſt? Si expreſsè apparet de mente teſtatoris voluiſſe Monaſterium excludere, non admittitur Monaſterium, ſed ſubſtitutus; ſi verò non conſtet de mente teſtatoris, voluiſſe ſcilicet illum Monaſterium excludere, legis interpretatio tunc locum habet, & huiuſmodi conditio inualida eſt, & pro non ſcripta habenda. Quod tamen locum habet, vbi extraneus fuerit ſubſtitutus, ſecus ſi filius: nam filius cum ſubſtituitur, expellere cenſetur Monaſteriũ. *art*.4.

Per ingreſſum Religionis in ea infirmitate qua quis decedit, verius eſt, ſubſtituto non fieri præiudicium, etſi aliter de fraude non conſtet; quia ſuſpecta eſt adeò ſera deuotio, quæ alteri damnum infert. *art*.5.

Licèt Monachus liber ſit à patria poteſtate, tùm tranſierit in poteſtatem Abbatis; nihilominus ſuccedit ab inteſtato patri vt ſuus hæres. *artic* 6.

Duobus Monaſterijs inſtitutis, vno Monachorum, altero Monialium; Monaſterium Monia-

lium eſt præferendum, quia [illegible] paupertatis loco præualebit, ex ſententia *Angeli*. Quod tamen ſingulariter intelligendum, nam ſi Monaſterium ſit ditiſſimum, Monachorum pauperrimum hoc videtur præferendum. *art 7.*

Nouitio moriēti intra annum probationis, non ſuccedit ab inteſtato Monaſterium *art.8.*

EXPOSITVS.

EXpoſiti cùm [illegible] cenſeantur, ſecundùm opinionem doctiſſimorum virorum, non videntur indigere legitimatione, & diſpenſatione, vt ad ſacros Ordines promoueantur; nec etiam facti Regulares, vt ad prælationes admittantur. Cùm tamen ſit opinionum varietas [illegible] hoc, conſultius erit ad prælationes non admittere, niſi cum eis [illegible] minores priuilegiorum Regularium diſpenſetur. *tom 1 quæſt. 13 art 1.*

EXILIVM.

POſſunt Iudices Eccleſiaſtici Clericis imponere pœnam exilij; quod ipſam conceſſam eſt etiam Iudicibus Regularium reſpectu Religioſorum delinquentium, cum eandem habeant, quantum ad puniendum, & corrigendum, poteſtatem, quam habent Epiſcopi circa ſuos Diœceſanos. *tom 2 q 23 art.1*

Sicut Epiſcopus, vel eius Vicarius mittens aliquem Clericum in exilium, iuſta interueniente cauſa, poteſt ab eo reuocare, ita & Iudex Regularis poterit iuſta cauſa Religioſum in exilium miſſum ab eo reuocare, niſi Conſtitutiones Regulares aliud diſponant. *ibidem*

Monaſterium, vbi Monachus exulans com[illegible] ſit [illegible]ctum, debet præſtare illi alimentum, ſi in aliud relegetur, & [illegible] [illegible], aut ſi quid habet de ſuo prouideat ei de ipſo [illegible] ce [illegible] profeſſionem in Ordine capaci bonorum in communi, quia tunc Monaſterium, ad quod [illegible] nit hæreditas Monachi [illegible], debet ipſum alere. In Ordine autem Fratrum Minorum propter ſummam paupertatem, miniſtrat [illegible] ceſſaria Monaſterium, ad quod mittitur. *artic.2.*

FAMILIARES.

Vide Interdictum.

LArgè familiares dicuntur [illegible] cohabitant [illegible] quos Fratres [illegible] Fratrum ſunt in quibus ex auctoritate Prælatorum aut [illegible] lium Conuentuum, [illegible] ſeruiunt, aut alicui Patri particulari; non autem quod Fratribus particularibus ſeruiant, ex eorum [illegible] ſolum aſſumpti. *tom.2. quæſt. 67 artic.1.*

Poſſunt Regulares ex iure communi familiaribus ſuis, & iis qui in eorum morantur obſequiis, ſi infirmentur intra ſepta Monaſteriorum, cuncta Eccleſiaſtica Sacramenta licitè miniſtrare; iis autem (licèt famuli non ſint, neque familiares) quos intra ſepta Monaſteriorum infirmari contigerit, Extremam Vnctionem licitè Monachi dare poſſunt aſſenſu Parochi, vel Epiſcopi nullatenus requiſito. *ibidem ex Priuileg*

Famulorum & familiarium confeſſiones audire non poſſunt, niſi Religioſi Confeſſores ab Ordinario approbati iuxta formam *Conc Triden. ibid.*

Quamuis ſint famuli illi, qui actualiter ſeruiunt Monaſterijs, non tamen actualiter ſeruientes aſſumpti in fraudem legis, vt ſupradictis priuilegijs gaudeant, ij frui debent. *ibidem.*

Famuli Fratrum ſecundùm ius commune in ſua parochia debēt ſepeliri, aut in ſepulchro maiorum, niſi alibi ſepulturam elegerint, poſſunt tamen, licèt ſepulturam non eligant, in Monaſterijs ipſorum Fratrum ſepeliri, etiam Parocho recuſante, & tempore interdicti, ac ceſſationis à diuinis, ea ſolemnitate, qua ſepeliuntur Fratres. *art. 2.*

Seruitores, & famuli, qui Monaſterijs actu ſeruiunt, & intra eorum ſepta, ac domos actu reſident ſub [illegible] Prælatorum obedientia viuunt, nequeunt ab Epiſcopis excommunicari ſine ſpeciali mandato Papæ *Extrauag. Alexandri IV. limitata per Concilium Tridentinum art 3.*

FESTVM.

Vide Interdictum.

POſſunt Feſtum Corporis Chriſti à quibuſcunque celebrari in Dominica infra Octauam huius ſolemnitatis, & quonam modo celebrari debeant feſta nominis IESV, Sanctorum Bonauenturæ, ac Didaci Ordinis Minorum, Sancti Antonij de Padua eiuſdem Ordinis, Sancti Franciſci de Paula Fundatoris Minimorum, Sancti Placidi & Sociorum, Sancti Nicolai Tolentini, Sancti Petri Martyris, ac Sancti [illegible], quæ in nouo Kalendario addita ſunt, debeantne [illegible] ab omnibus fidelibus celebrari, explicat, Pontifi[illegible] Bullis allegat auctor, *tom 2. quæſt 68 artic.* 1 2 3. 4 5 6 7 8 9 10.

Sixtus IV præcepit [illegible] Feſto Sancti Franciſci ab omnibus [illegible] abſtineri: at in multis locis non obſeruatur, propter vindemiæ tempus. *tom 2. q 69. art.1.*

Nico-

Nicolaus Quartus authoritate Apoſtolica conſtituit, vt feſtiuitas ſtigmatum Sancti Franciſci à Fratribus, & Monialibus Ordinis Minorum celebraretur Feſto duplici. *art.* 2.

Sixtus Quartus, præhabitis conſilio & aſſenſu & matura deliberatione cum S. Romanæ Eccleſiæ Cardinalibus, ordinauit, quòd nullius Sancti aut Sanctæ, Beati aut Beatæ figura aliqua cum ſtigmatibus depingi poſſit quouis modo, quo æſtimari poſſit, vel credi illum, vel illam huiuſmodi ſtigmata habuiſſe excepta imagine Beati Franciſci. Idem prohibuit, ne quis in concionibus, vel alias ſcriptura, aut verbo aſſerere audeat, aliquem Sanctum vel Sanctam, Beatum vel Beatam huiuſmodi ſtigmata habuiſſe, impoſuitque grauiſſimas cenſuras facientibus contra præmiſſa, quæ licèt ad tempus fuerint ſuſpenſæ, nullatenus tamen ſunt reuocatæ, ſed in ſuo robore permanent. *ibidem*.

Poſſunt Fratres Minores ſolemniter & publicè celebrare Feſtum quinque Martyrum, *ex conceſſione Sixti* IV. & Feſtum ſeptem Martyrum, *ex conceſſione Leonis X* qui etiam conceſſit, quòd Fratres Minores Obſeruantiæ poſſint celebrare Feſta Sanctorum, in quorum honore Eccleſiæ locorum ſuorum ſunt dedicatæ, ſub ritu duplicis maioris, etſi ſecundùm ordinarium eſſent de ſe ſimplicia. *art.* 3

Leo X. conceſſit Monialibus Sanctæ Claræ ſub regimine Fratrum obſeruantiæ exiſtentibus, quòd Feſta B. Agnetis & vndecim millium Virginum ſub ritu duplicis maioris licite valeant celebrare, *art* 4.

Quamuis ex permiſſione, imò præcepto Eccleſiæ, poſſint Religiones propria Sanctorum Feſta celebrare, in officio nihilominus tam proprio quam communi ſeruanda eſt forma à Breuiario Romano præcepta, *art.* 5

Exempti omnes, etiam Regulares, tenentur ſeruare dies Feſtos, quos in Diœceſi ſua Epiſcopus ſeruandos præceperit, *ex Concil. Trident.* non tamen Feſta per populum votata, licet Epiſcopus cõfirmauit, quia eiuſmodi votum eſt perſonale. Teneri tamen etiam poſſunt ad hæc obſeruanda ratione ſcandali, *tom.* 2. *q.* 70 *art.* 1.

Quandoquidem non omnia, quæ fiunt fieri gratia neceſſitatis, poſſint fieri gratia, & ratione pietatis, non poſſunt Regulares in diebus feſtiuis in opere ſuorum Monaſteriorum, operibus ſeruilibus ſæculares occupare, vel ipſimet occupari, niſi aliqua neceſſitate præſente, vel imminente excuſentur; ſed vt licitè id faciant, petere licentiam ab Epiſcopis tenentur, *art.* 2.

FEVDVM.

Vide Bona, Exemptio, Vaſſalius.

RElgioſi poſſunt recipere bona Feudalia & Emphyteutica, modo ad ea onera teneantur, ad quæ donator ſeu teſtator tenebatur occaſione huiuſmodi bonorum; & ſi ad certum numerum generationum, vel nominationum conceſſa eis fuerint, per viginti annos pro qualibet generatione retinere poterunt, *tomo* 1 *queſtion* 38. *art.* 2. & 3.

Non poſſunt Monachi Feudum recipere, quando ſeruitium præſtandum repugnat Ordini Monachali, nec poteſt per ſubſtitutum præſtari, ac proinde eſt cum illorum ſtatu incompoſſibile. *art.* 3.

FRATRES MINORES.

Vide Hæreditas, Ieiunium, Legatum, Mendicitas, Nouitius, Ornamenta, Paupertas Teſtamentum.

FRatrum Minorum mendicitas dicitur incerta, quia non habet certitudinem ciuilem, neque ius, neque actionem in res quæ ipſis Eleemoſynaliter datur, quamuis habeat certitudinem probabilem & moralem. Vnde quantumcumque dictis Fratribus iure naturali, vel diuino, vel alio, aliquid debeatur pro Miſſis, Sermonibus, aut alijs exercitijs ſpiritualibus, vel alia quacumque cauſa, non poſſunt id petere, vel recipere niſi eleemoſynaliter, ſine vllo titulo iuris ciuilis; bene autem poſſunt recipere domus ab aliquibus dominis temporalibus præbentibus omnia neceſſaria ad victum & veſtitum, abſque eo quòd oſtiatim petantur, quia hæc certitudo eſt tantùm moralis, *tom* 3. *q* 3. *art.* 3.

GENERALIS.

Vide Electio, Degradatio, Electio ab Ordine, Ædificia, Viſitatio.

GEneralis non poteſt facere ſtatutum ſine Capitulo, ſed tantum præceptum eius morte finiendum. Idem eſt iudicium de Prouinciali, Prouincia, & Ordine; quia ſicut Prouincialis non poteſt ſtatutum condere ſine Capituli maiori parte, ſic nec prouincia poteſt ſtatutum facere ſine ſuo Prouinciali: vel Ordo ſine ſuo Generali, *tom.* 1. *q* 10. *art.* 1.

Generales Miniſtri habent iuriſdictionem ad modum Patriarcharum, ſeu Primatum (differunt

ſunt autem Patriarchæ, & Primas ſolo nomine) Prouinciales ad modum Archiepiſcoporum. Cuſtodes ad modum Epiſcoporum, Guardiani autem ſunt ſicut Archi Presbyteri, & Confeſſores ſicut Parochi, ſeu Presbyteri *tom 1. q 12. art 5*

GRADVATIO.

Vide Confeſſarij quoad præſentationem.

POſſunt Clerici poſt Clericatum, & etiã Monachi ad Doctoratus gradum in iure ciuili promoueri, ſi ante Clericatum,& Monachatum ei operam dederint, *tom 2 q 74 art. 1.*

Bonifacius IX. conceſſit Magiſtro Generali Ordinis Prædicatorum pro tempore exiſtenti, quòd in quolibet Capitulo generali dicti Ordinis, vni ex Fratribus in Theologiæ facultate prouecto, modo per Generalem & Diffinitores Capituli, vel aliquos Magiſtros ad hoc aſſumẽdos, diligenti examine ſatiſfaciens, & idoneus inuentus fuerit, Magiſterij honorem,& docendi licentiam, ſeruatis conditionibus Concilij Viennenſis,& alijs ſolennitatibus in talibus conſuetis largiri poſſit. Fruaturque taliter Graduatus omnibus gratijs, priuilegijs, libertatibus Fratrum eiuſdem Ordinis, qui in eadem Theologia Pariſienſi ſunt Magiſtri, ac ſi ibi gradum & huiuſmodi Magiſterium recepiſſet *ibidem*

Martinus V. præcepit vniuerſis Cancellarijs, Magiſtris, & Doctoribus ſtudiorum, ne Fratribus Minoribus, ſeu alicui eorum gradum,& honorem magiſterij conferre præſumant, niſi curſum per Conſtitutiones Apoſtolicas & Ordinis inſtituta perfecerint, & aliàs ad dictum gradum obtinendum idonei exiſtant. Si quis autem præter rigorem huiuſmodi gradum ſuſcepit, voluit vt honore magiſterij careat, ac lectuis & actibus, gratijſque magiſtralibus ipſo facto priuatus exiſtat, & ad eadem de cætero inhabilis. *art 2.*

Licèt cum Prælati licentia graduari poſſint Monachi, *Innocentius* tamen VIII. ſtatuit, quod nullus Frater Ordinis Prædicatorum Reformatorum, ſeu de Obſeruantia, Prouinciæ aut Congregationis Hiſpaniæ, magiſterij ſeu alium quemcumque gradum in ſacra Theologia (niſi ad illud per Capitulum dictæ Congregationis expoſitus fuerit) quoquo modo aſſumere præſumat, & quod ſi qui aliter promoti fuerint; pro non promotis habeantur, & ad huiuſmodi gradus inhabiles ſint. *art 3*

Supradicta *Innocentij* VIII. conſtitutio locum habet, licèt perfecerint curſus ſuos, ac ſententias legerint in Vniuerſitatibus approbatis, & actus legitimos, cæteraque exercitia ſcholaſtica fecerint, prout facere & legere, de conſuetudine, vel de iure in huiuſmodi tenentur. *ibid.*

Poteſt Præpoſitus Generalis Societatis, vel de eius licentia quiuis ex Præpoſitis, vel Rectoribus Collegiorum cum duobus vel tribus Doctoribus vel Magiſtris per eoſdem eligendis, graduare ſuos ſcholares, abſoluto tamen ſuorum ſtudiorum curſu, rigoroſo & præcedente examine. Quicumque autem modo prædicto promoti fuerint, gaudere poterunt omnibus priuilegijs, & prærogatiuis, quibus gaudent, qui in Vniuerſitatibus iuxta ſolitos mihi vſus promouentur. *art. 4 & 5.*

Nomine ſcholarium hic intelliguntur ſcholares qui ſunt de Societate. *art 4.*

GVARDIANI.

Vide Cuſtos, Diffinitores, Electio. Excommunicatio, Reſeruatio caſuum, Vicarius:

GVardiani, & cæteri Conuentuales Prælati, ut Rectores, Priores,&c. ſunt verè Prælati habentes dignitatem eccleſiaſticam Vicarij autem tunc tantùm ſunt Prælati, cùm præſident Conuentibus, qui propter paucitatem Fratrum, nomine Guardianatus minimè appellantur, ſed nomen Vicarij illis tribuitur, aliàs non ſunt Prælati. *tom 1 qu. 12. art. 6.*

Guardiani, & ſimiles Conuentuales Prælati, cum ſint inferiores Prælati Archipresbyteris ſimiles, ipſorum munus præciſum eſt, ſicut & iuriſdictio, vnde tantùm præſunt ad minora determinanda, maiora verò referre debent ad Prælatos Prouinciales habẽtes iuriſdictionem quaſi Epiſcopalem. *tom 1. q. 17 art 3.*

Minora negotia, quæ Guardiani de iure poſſunt exercere, ſunt omnia quæ pertinent ad obſeruantiam diſciplinæ Regularis, & quæ pertinent ad ordinariam gubernationem Conuentus, ad quæ ſuos ſubditos poſſunt cenſuris cogere; maiora verò ſunt, quæ præciſè ad iuriſdictionem Epiſcopalem pertinent: vt licentiare ſubditos ad Ordines ſacros, Prædicatores, & Confeſſores inſtituere, diſpenſare,& abſoluere à reſeruatis, grauiora ſupplicia infligere,& ſimilia. *ibidem.*

Abbates, qui à Regibus præſentantur, & à ſummo Pontifice præficiuntur (quales ſunt multi Sancti Benedicti) ſunt verè Prælati maiores,

iores, cùm immediatè habeant iuriſdictionem Epiſcopalem. *ibid.*

Guardiani, & alij Præfecti locales, virtute priuilegiorum habent plenariam authoritatem circa ſuos ſubditos, ſicut Prouinciales in totam prouinciam. Sed cùm talium priuilegiorum vſus conſuetudine præſcripta, ex conſtitutionibus varijs Ordinis eis ſæpius ſit interdictus, tenentur ab illorum priuilegiorum vſu ſibi prohibito abſtinere, ideoque conſulant ſui Ordinis conſtitutiones & conſuetudines, contra quas nequeunt manum mittere, ſub pœna peccati mortalis, aut venialis, ſecundùm grauitatem materiæ. *art.* 4 & 5.

Iuriſdictio Guardianorum, & multò magis Cuſtodum, Prouincialium, ac Generalium, eſt ordinaria, non delegata; delegatus verò dicitur, qui vices alterius gerit ex commiſſione, & non ex lege; ordinarius autem eſt, qui beneficio legis ſuam habet authoritatem. *art.* 6.

Sicut poteſtas Prælatorum Regularium poteſt reſtringi, & coarctari à ſummo Pontifice, vtpotè ab eo dependens; ſic iuſta exiſtente cauſa, poterit inferiorum Prælatorum authoritas & iuriſdictio à Prælatis ſuperioribus reſtringi & coarctari. Quia licèt vtriſque data ſit memorata poteſtas iure diuino, conceſſa tamen eſt ordine hierarchico, vt minores pendeant a maioribus. *art* 7.

Nequeunt maiores Prælati ſine iuſta cauſa Prælatorum inferiorum ordinariorum poteſtatem reſtringere; ſi ſecus fecerint, peccabunt, illis iniuriam irrogando, factum tamen tenebit. *ibidem*

Poteſtas Superiorum In Moniales eſt ordinaria, quia eſt à commiſſione & priuilegio perpetuis, eſtque tanta, quanta erat proprij per Regulam earum Superioris Protectoris ſcilicet Ordinis: exceptis quibuſdam reſtrictis quoad electionem Abbatiſſæ, & ingreſſum in Monaſterium. Nec hæc poteſtas in Moniales ſanctæ Claræ eſt per *Conc. Trid* reuocata. *art* 8 9 10.

HABITVS.

Vide Nouitium Sepultura, Tertiarij.

INter leges, quæ omnibus fere Regularibus communes ſunt, hæc vna eſt, ne lineis induſijs veſtiantur, & habitu decenti vtantur. *tom.* 2. *q.* 76. *art.* 1.

Ioannes XXII. ordinauit, quòd forma habitus quoad colorem panni, & vtilitatem in Religione Minorum, Prælatorum arbitrio relinqueretur. *ibidem.*

Sixtus V. ſtatuit Clericos, vel milites beneficia, vel penſiones obtinentes teneri deferre habitum & tonſuram, & contrauenientibus graues pœnas iniungit *art.* 2.

Monachus aſſumptus ad curam Eccleſiæ ſæcularis non abſoluitur ab habitu Monachali deferendo, cum id non ſit contrarium Eccleſiæ ſæculari. *art.* 3.

Ad ſcandalum vitandum licet Monacho aſſumpto ad curam, in aliquo ſe conformare habitui Clericorum ſæcularium, & iuſta ex cauſa ac rationabili non ſolum poteſt habitum transformare, ſed & occultare, vtendo tamen habitu ſæcularium Clericorum, vt non appareat Monachus de hoc erubeſcens, vel vt non agnoſcatur propter vanitatem *ſecundùm Archidiac.* non euadit mortale peccatum, & excommunicationis cenſuram. *ibidem.*

Fratrem geſtantem habitum alterius Religionis, aut ita conſimilem, vt credi poſſit de illa Religione, Epiſcopus requiſitus à Fratribus tenetur cenſuris cogere ad deponendum, ſub pœna ſuſpenſionis ipſo facto incurrendæ. *art* 4.

Fratrem Minorem geſtare habitum cum Caputio ſutum, ab omnibus Religionem zelantibus ſemper fuit obſeruatum, omninoque laudabile eſt, ac religioſum: verùm cùm nuſquam reperiatur præceptum, contra facere abſque contemptu non videtur eſſe peccatum. *articulo* 5.

Religioſus dimittens habitum ad alium aſſumendum, etiam Religioſum alterius Religionis (niſi intentione in ea profitendi hoc faciat) ad ſcelus aliquod mortiferum, aut in tantum tempus, aut ob talem cauſam & rationem, quòd iudicio boni viri dicatur habitum dimiſiſſe, incurrit excommunicationem *Bonifacij* VIII. alias non. *art.* 6.

Sæcularis vtens veſte Religioſa virorum, aut mulierum, ſi ex ſola leuitate, & ſine deriſione vel turpitudine faciat, non videtur peccare mortaliter; ſecus, ſi fiat cauſa ludibrij, vel vituperij. Imò ſi non fiat hac de cauſa, ſed tamen in rei veritate, fiat cum ludibrio, vt cum defertur laſciuè. Sic videtur mortale. Similiter cùm ea vtuntur mimi, & hiſtriones exercendo vituperioſa. *art.* 7.

Omnibus, & ſingulis vtriuſque ſexus perſonis licet ſepeliri in habitu Fratrum Minorum,

ſi id

ſi id velint, iure tamen Eccleſiarum Parochialium, & cuiuslibet alterius ſemper ſaluo. Poſſunt & ſic indutorum corpora diſcooperta, nullo pallio vel tegumento ſuperpoſito, ad ſepulturam deferri; excommunicantuique Eccleſiarum Rectores & Curati, ſi moniti Canonicè taliter ſepeliri volentibus impedimentum afferre præſumpſerint, *art.* 8. & 9 *ex conceſſ. Sixti IV. vide ſepultura.*

Solius Gardiani eſt in Ordine Minorum, aut Prioris domus in Ordine Prædicatorum, aut Superioris Prælati, aut alterius cui duxerint cōmittendum, dare habitum iis, qui cum eo ſepeliri elegerint, *art.* 9.

Tam morientes, & ſepeliendi in habitu Fratrū Minorum, quam morientes & ſepeliendi in habitu Sororum tertiæ Regulæ S. Franciſci, ſub obedientia Generalis & Prouincialium degentium, conſequuntur plenariam omnium peccatorum ſuorum indulgentiam, *ex conceſſ. Leonis X.* qui etiam declarauit ſufficere prædictum habitum petere, ac ſuper ſe vſque ad mortem habere & in eo ſepeliri, etſi ante mortem non induatur. *art.* 10

Oſculantes habitum Fratrum Mendicantium, lucrantur quinquaginta annos, & totidem quadragenas de iniunctis pœnitentiis lea die, 1075. *Ex Ioanne XXII. art.* 11.

HAEREDITAS.

Vide Exhæredari, Epiſcopus, Teſtamentum.

Monachus factus hæres non poteſt adire hæreditatem ſine conſenſu Abbatis, ſed eo nolente poteſt adire Monaſterium. *tom* 2. *quæſt* 77. *art.* 1

Fratres Minores Obſeruantiæ nullatenus ſunt capaces ſucceſſionum hæreditatum, nec licet eis valorem talium hæreditatum, vel tantam eiuſ partem quali uis modo, & forma legati dimitti ſiue fieri, (quod pretium poſſit hoc in fauorem fieri) vel ille dimittas recipere. Quin potius iſta ſic fieri ab ipſis Fratribus ſimpliciter prohibuit *Clemens V in Clement. Exiui, de verb. ſig* Vnde ſi inſtituantur hæredes, & nullum habeant ſubſtitutum, vel coheredem, teſtamentum nullum eſt, pertinebitque hæreditas ad venientes ab inteſtato, *tom* 2. *q* 78. *art.* 1. 2. & 3. *tom* 3. *q.* 69. *art* 10

Quamuis Fratres Minores non poſſint recipere hæreditatem, quæ continet quoddam ius vniuerſale, poſſunt tamen recipere ſingularia relicta, aut aliquod fideicōmiſſum particulare, quod Syndicus petere poteſt, vt Fratrum neceſſitatibus ſubueniat. *tom* 2 *q.* 78 *art.* 3. & 4.

Quādo Fratres Minores inſtituuntur hæredes cum clauſula appoſita, *quod pro eorum neceſſitatibus vendatur dicta hæreditas, & in eas conuertatur,* licet talis diſpoſitio non teneat quoad inſtitutionem hæredum, & habeatur pro non ſcripta (cum ipſi Minores ſint penitus incapaces) tenet tamen, & validum eſt teſtamentum quoad piam cauſam ibi appoſitam: quia (tametſi non ſit perſona, in quam ius & nomen hæredis cadat) in pias cauſas ſufficit, quòd hæreditas ad piā cauſam relinquatur. Adde quod perſonam, quæ hæreditatem adeat, repræſentabit Epiſcopus, vel Reſpublica. *art.* 4.

Si Fratres non inſtituantur hæredes, ſed alter qui debeat hæreditatem vendere, & eius pretium in neceſſitates Fratrum expēdere, hoc nullo modo videtur iure Fratribus prohibitum: quare licitè poterunt acceptare, hunc tamen, ſicut & præcedentem Aphoriſmum intellige, modò quantitas non ſit tam magna, quod videatur in fraudem facta paupertatis, ſed ſit tantum ad ſubleuandas neceſſitates Fratrum præſentes, vel imminentes, quia alias ſaperet theſaurizationem. *ibidem*

Quamquam Fratres Minores incapaces ſint relictorum in teſtamentis, variis tamen modis eis conſulitur. Primo, iudicis officio, qui ex ſuo mero munere, nemine etiam ad hoc agente, cōpellere poteſt illum, qui ad aliquid tenetur ex teſtamento, vel alias, vt relicta minoribus ſoluat, & teſtamentum adimpleat. *art* 1.

Secundò, cuilibet populo competit actio, & quilibet a populo poteſt agere, vt relicta ad pias cauſas (puta Fratribus, pauperibus, &c.) adimpleantur petitum, qui grauatus eſt a teſtatore, vel alias ad hoc tenetur. *ibidem.*

Tertio, poteſt Syndicus petere nomine Papæ prædicta legata, dummodo hoc fiat cum aliis debitis circumſtantiis. *ibid.*

Eccleſia Frat. Min. poteſt inſtitui hæres ſecundum *Bartolum*, cum ſit de iure & proprietate Eccleſiæ Romanæ. *Bald* tamen contrarium tenet. *art* 5.

Mendicantes per priuilegia poſſidere valentes, poſſunt ſuccedere ab inteſtato, niſi contrariū habeant eorum conſtitutiones authoritate Apoſtolica confirmatæ, quas quiſque videre debet. *art* 6 & 7.

Monachi Benedictini, & Ciſtercienſes, ſuccedunt ab inteſtato, tamquam ſi in ſæculo eſſent, & u-

& licitè poſſunt petere & retinere hæreditates, fidei commiſſa & legata. *Ex conceſſione diuerſorum Pontificum art 8.*

Regulares non Mendicantes, vt ſunt regulariter omnes Monachi & Canonici Regulares, licèt non poſſint habere bona in particulari, poſſunt tamen in bonis temporalibus ſuccedere, ac ſi mundum non reliquiſſent. Et licèt iure prohibeantur ſuccedere in feudis, ex conceſſione tamen Sedis Apoſtolicæ iam ſuccedunt modo ſupradicto. *Pro quo vide Feudum art. 9.*

Conuerſi remanente in ſæculo, neque profitentes aliquam Regulam Religionis approbatæ, ſuccedunt conſanguineis, ac ſi non eſſent oblati: ſi vero non remanent in ſæculo, & Regulā aliquam profitentur; tunc ſuccedunt Monaſteria, ſi ſint capacia: ſin minùs, ad conſanguineos deferruc hæreditas *art* 10.

Moniales, quæ poſſunt habere proprium in communi, ſiue per Regulam, ſiue per priuilegium, poſſunt ſuccedere, aliæ non, vt ſunt Sorores vocatæ Collectaneæ S. Claræ. *art. 11.*

Religioſorum Monaſteria capacia ſunt ſucceſſionis, ſuccedunt in maioratu, recipiuntq; commoditatem totam ex illo prædicta Monaſteria, interim dum tales Religioſi vixerint: quod verum eſt, etiamſi maioratus habeat annexam dignitatem; iuriſdictionem, aut quæcumque alia, modò tamen religioni non ſint incompatibilia; idem eſt etiam de Monialibus, in maioratu ſcilicet ſuccedunt, ſicut Religioſi. *artic. 12. & 13.*

Ad excluſionem Monaſterij à maioratu non ſufficit præſumpta, aut interpretatiua voluntas fundatoris, ſeu inſtitutoris; ſed neceſſaria eſt clara, & manifeſta per verba clara, & manifeſta ipſum excludere volentis. *ibidem.*

Monialis renuncians ſuæ legitimæ, & cuicumque ſucceſſioni, quomodocumque illi obuenerit, & ex quacumque parte, haber, non obſtante prædicta renunciatione ſimiliter eius Monaſterium ius ad petendum maioratum, niſi etiam maioratui expreſsè renunciatit; quia renūciationes ſunt ſtrictæ iuris, & talis naturæ, vt non comprehendant niſi quod exprimunt. *art. 14.*

Fratres Minores Regularis Obſeruantiæ meliorati à parentibus in tertio, & quinto, habent ius ad talem meliorationem ſi poſtea fiant capaces, facti Epiſcopi, aut tranſeuntes ad Religionem bonorum capacem: pertinetque melioratio, & legitima ad ſecundum Monaſterium. *tom 2 qu. 79 art. 1.*

Monacho profeſſo validè in vno Monaſterio, tranſeunte voluntariè, ad aliud, & licitè & validè, omnia bona eius, quæ poſt profeſſionem ipſam primam, vſque ad ſecundam quæſiuit, & etiam ea quę habebat tempore illius primæ profeſſionis, remanebunt Monaſterio priori, ſiue bona, quæ habuit ante profeſſionem donaſſet expreſsè priori Monaſterio, ſiue tacitè in conſequentiam ſuæ perſonæ quæſita verò poſt ſecundam profeſſionem erunt ſecundi Monaſterij. *art. 2.*

Profeſſio in Ordine Minorum de Obſeruantia, eſt mors ciuilis, operans omnem effectum quem mors naturalis; vnde ea facta, ſtatim conſanguinei ſuccedunt non expectata morte naturali. *tom 2. qu 80 art 1.*

Secus eſt in Ordine Prædicatorum & aliis Religionibus, quæ poſſunt habere bona in communi, in quibus mors ciuilis non operatur omnem effectum quem mors naturalis; hinc in iis, ſuccedentes Religioſo ex teſtamento, vel ab inteſtato debent expectare mortem naturalem profeſſi. Interim enim quod non moritur naturaliter, diſpoſitio, quam fecit in teſtamento, vel quæ facienda eſſet ab inteſtato, erit in ſuſpenſo, niſi in teſtamento aliter diſpoſuerit ipſe Religioſus. *ibid.*

Monacho nondum profeſſo tacitè, vel expreſsè, decedenti in Monaſterio cuiuſcumque Religionis, ab inteſtato ſuccedunt conſanguinei. Idque procedit, non ſolùm ſi ſimpliciter ingreſſus fuiſſet non facta mentione de ſuis bonis ſed etiam ſi ſe obtuliſſet cum ſuis bonis, vel ſe, & bona obtuliſſet. Quia videtur ſub quadam tacita conditione obtuliſſe, ſi ſcilicet ſequatur profeſſio *art. 8.*

Si tamen prædictus ingrediens Religionem, nec profeſſus, longè ante ingreſſum bona obtuliſſet, non ſuccederent venientes ab inteſtato, ſed Monaſterium, quia in dubio videtur obtuliſſe non contemplatione ingreſſus, & profeſſionis. Similiter ſi ingrediens obtuliſſet expreſsè bona Monaſterio, tempore ingreſſus declarando velle ſe apud Monaſterium prædicta bona manere, ten auebunt, quamuis profeſſio non ſequatur, quia tacita conditio, quæ ſummi poterat, per expreſſam contrariam voluntatem tollitur. *ibid.*

Si ingrediens Monaſterium decedat facta profeſſione ſolemni ſuccedit Monaſterium, non tantum quoad dominiū, ſed etiam quoad poſſeſſionem, vt ſi habeat liberos, quibus iure debetur legitima; quam etiam multi tenent deberi parentibus defunctis. *ibid.*

Non poteſt filius petere legitimam ſibi debitam in bonis patris facti Religioſi, etiam poſt profeſſionem, donec pater moriatur. *ibid.*

HAERESIS.

Vide Matrimonium, Eleemoſyna, Reſeruatio caſuum.

OMnes Religioſi, etiam Mendicantes, hodie, quod olim [illegible] non erat [illegible] Inquiſitionis per [illegible] Pontifices, niſi [illegible] Superiores iudicium & cauſam præoccupauerint, *per Sixtum quartum Pi IV* quæ quoad hanc partem licet aliquando fuerit [illegible] tamen S. [illegible] & [illegible] tudo contrarium [illegible] enim Superiore [illegible] ſed protinus ad S. [illegible] *tom 2 q. 81 art 1.*

Inquiſitor de Ordine Prædicatorum non poteſt procedere [illegible] Minorem, nec è [illegible] expreſſa Papæ licentia. *per Sixtum V. art 2.*

Inquiſitores Religioſi [illegible] exempti ſunt ab obedientia [illegible] quoad omnia tangentia executionem [illegible] poſſunt ire Romam, [illegible] vel petita licentia quorumcumque Superiorum, *art 5.*

Cum Inquiſitores [illegible] in vtroque foro [illegible] ex omnium conſenſu grauiter ex cauſa committere alteri Confeſſario abſolutionem in foro conſcientiæ reſpectu criminis hæreſis, niſi [illegible] & ſupremi Iudicis mandato prohibeantur *art 4.*

Dicunt quidam Inquiſitorem vnum, quia ordinarius eſt præſertim dum ſolus viſitat, poſſe audire confeſſionem & ab hæreſi abſoluere facta abiuratione [illegible] committere ex cauſa alteri Confeſſario [illegible] longè diſtantem & [illegible] ad Inquiſitorem [illegible] v. g. Moniales. *art. 4.*

Sixtus IV. ſtatuit, quod Inquiſitores hæreticæ prauitatis quicumque ſint, poſſint procedere contra eos, qui aſſeruerint quod confeſſi Fratribus Mendicantibus teneantur confiteri eadem peccata Rectoribus Parochialium Eccleſiarum. *art 6.*

Inquiſitor poteſt vnum, aut plures Clericos, & Regulares aſſumere, & creare in Notarios. *art* [illegible]

Inferior Papa, niſi ex eius ſpeciali delegatione, licentiam legendi libros hæreticorum, etiam ad eorum [illegible] confutationes, concedere non poteſt *Ex Nauarro tom. 2. q. 82 art 3.*

Præpoſiti Societatis [illegible] facultates habent a Pio V & Greg. XIII circa lectionem librorum prohibitorum, etiam contra Bullam Cœnæ Domini, quæ an adhuc valeant, & maxime in Hiſpania, dubium eſt, *ibid.*

Fiſcus ſæcularis confiſcans bona Religioſorum & Clericorum hæreticorum, incidit in excommunicationem *Clem. nimia volentes, de hæreticis.* quod [illegible] confiſcando bona mobilia Fratrum Minorum, quorum dominium benefactores [illegible] reſeruarunt, qu [illegible] Eccleſiaſtica *tom. 2. q. 83 art. 2.*

HOMICIDA.

Vide Egere à Religione.

REligioſum homicidam [illegible] parricidam & fratricidam [illegible] præcipit [illegible] brachio ſæculari [illegible] alia graui pœna affici. *tom. 2. q. 84 art. 1.*

Percutiens Magiſtratum, Gubernatores, Canonicum, &c. capite plectendus eſt ſecundum leges. Ergo percutiens Superiorem Prælatum, & Guardianum, enormiter poteſt [illegible] Religione. Vbi tamen non [illegible] comprehendi [illegible] enormiter Vicarios [illegible] Diffinitores percutiens *art* [illegible]. Vide Egredi à Religione.

HOSPITALE.

COncil. Trident. [illegible] de hoſpitalitate, ſeſſ. 7. cap 15 & ſeſſ. 25. cap 8 Comprehendit indifferenter ſæculares & Regulares [illegible] exemptos. Tamen in quinque caſibus Religioſi non comprehenduntur in Clement. 2 Quia contingit de Religioſis dom. Vide ibi Gloſſam *tom. 2. q. 84 art. 1 & 2.*

Hoſpitales in Hiſpania Fratres Minores habent multa priuilegia regalia, quæ Hiſpanicè ſcripta *Vide tom. 2. qu. 40 art 2.* Inter quæ vnum eſt, quod non tenentur contribuere id quod alij ciues contribuunt pro militibus accommodandis. *ibid.*

IEIVNIVM.

Vide Prædicare Quadrageſima.

ITinerantes pedeſtris, conficientes [illegible] leucarum, communiter a DD excuſantur à ieiunando. Fratres vero Mendicantes [illegible]

nec

ſtet non faciant vt excuſentur a ieiunio, poſſunt ex priuilegio transferre ieiunium Regulare in alium diem, non autem eccleſiaſticum, vt Vigiliæ, &c tom. 2. q. 00. art 3.

Fratres Minores ex vi Regulæ præcepto tenentur ad ieiunandum Quadrageſimam, ſed nō alia ieiunia Eccleſiæ, v. g. Quatuor temporum, Vigiliarum, &c. Ergo profeſſi ante 20. nondū habentes, nullo præcepto ad illa tenentur. art. 4. & 6

Ieiunia Regulæ Fratrum Minorum ieiunanda ſunt cibis Quadrageſimalibus, ſecundum conſtitutiones antiquas, & Barchionenſes. Quemadmodum Patres in expoſitione Regulæ dicunt ſic fuiſſe intellectum, & iuſſum obſeruari à Patre noſtro Franciſco, niſi aliud obtinuerit in aliquibus prouinciis præſcripta conſuetudo. art 7.

Fratres profeſſi ſtatim tenentur ad ieiunia Regul. c. cui ſe voluntarie ſubdiderunt, quod approbat, & interpretatur antiqua, & præſcripta conſuetudo. art 8.

Frater Minor frangens ieiunium Feria ſexta Quatuor temporum, Pentecoſtes, & Septembris, facit contra duo præcepta; ſicut & ille qui non ieiunaret in Vigilia Sancti Thomæ, & Matthiæ, caſu, quo hæc Vigilia in Quadrageſima, & ſexta Feria eueniret Sed frangens ieiunium Feria ſexta Aduentus & Quadrageſimę vnicum tranſgreditur, ratione ſcilicet Quadrageſimæ, & Aduentus, non ratione Feriæ ſextæ, quia dicit Regula: Aliis autem temporibus non teneantur, &c. art 8.

ILLEGITIMVS.

Filij militum Regularium illegitimi ſunt ſacrilegi, ob ſolemne votum caſtitatis coniugatis, vnde nō legitimantur per ſubſequens matrimonium tom 1 q 13. art. 2.

Iure communi per ingreſſum Religionis tollitur illegitimatio quoad Ordines ſacros tantum, in quam tamen reincidunt qui non profitentur, quantum ad executionem Ordinis ſuſcepti hinc parum neceſſaria videntur eſſe quædam ad hoc data priuilegia. art. 3 & 4.

Prælati generales, & prouinciales olim per multa priuilegia poterant diſpenſare cum illegitimis quoad prælaturas & dignitates, ſed reuocata ſunt omnia per conſtitutionem Sixti V. Quam tamen Greg. XIV. ſic modificauit, vt iam liceat eis ſolis cum Capitulo generali, aut prouinciali proprio, aut intermedio tantum. art. 6.

Probabilius eſt, eoſdem Prælatos cum Capitulo, vt ſupra, poſſe etiam diſpenſare cum filiis illegitimis Religioſorum quoad Prælationes obtinendas in eodem Ordine, ſed non in eodem Conuentu, in quo eorum pater Prælationem habuit. art. 7.

Filius concubinæ, ſi antequam pater eius matrem duxerit, promoueatur ad Prælaturam, indiget diſpenſatione, ſi vero poſt cōtractum matrimonium, non eget Et hæc diſpenſatio fieri poteſt in Congregatione intermedia, quæ per conſtitutiones generales habet vim Capituli. art. 8. & 9.

Prælati Regularium poſſunt quidem diſpenſare per ſua priuilegia cum ſuis quoad dignitates Ordinis obtinendas, ſed non quoad quaſcumque extra Ordinum; ergo non poſſunt eos legitimare, id eſt, ſimpliciter eos reſtituere natalibus. Similiter ſæcularis illegitimus diſpenſatus ad aliquod beneficium, v. g. ad Curatum, factus Religioſus, non eſt diſpenſatus ad Prælaturas; ſecus tamen eſſet, ſi fuiſſet legitimatus: legitimatio enim eſt latè extendenda, cum ſit beneficium Principis; diſpenſatio verò, vtpote odioſa, eſt reſtringenda art 10.

Inter diſpenſationem, & legitimationem, prout huic inſtituto congruunt, hæc eſt differentia, quod diſpenſatio ſolum faciat habilem ad ea, ad quæ quis iure canonico, aut ciuili eſt inhabilis, legitimatio autem ad omnia habilitat. ibidem.

Illegitimus factus Canonicus Regularis Eccleſiæ Cathedralis, non poteſt eſſe Archidiaconus ſine diſpenſatione nec poſt profeſſionem Vicarius Epiſcopi, aut Prouiſor. art. 12 & 13

Cum gratia diſpenſandi cum illegitimis conueniat Prælatis Regularibus ex priuilegiis, non poſſunt diſpenſare cum iis ſine iuſta cauſa arbitrio boni viri iudicanda, alioquin diſpenſatio erit nulla art 14 & 15.

Illegitimus in Capitulo, aut Congregatione intermedia Canonicè electus à Patribus, qui eius nouerint inhabilitatem, in Prælatum, cenſetur eſſe diſpenſatus in conſcientia, ſi talis eorum fuit intentio, in foro autem exteriori non erit, niſi actualiter cum ipſo diſpenſetur art 16.

Illegitimus non poteſt eſſe Diffinitor ſine diſpenſatione: Diffinitoriatus enim importat dignitatem perſonatus, cum ſit quædam prærogatiua abſque iuriſdictione art 18.

Non poteſt etiam illegitimus eſſe diſcretus mittendus ad Capitulum prouinciale ratione

vocis paſſiuæ, qua caret, ſi tamen attendamus ad vocem actiuam tantùm, poſſet. Verùm cum non poſſit renunciare voci paſſiuæ, abſolutè nequit eſſe diſcretus. *art.*19.

Poſſunt illegitimi eſſe Confeſſores Monialium, Magiſtri Nouitiorum, & Vicarij Conuentus ſub Guardiano vel Priore, cum tales non habeant iuriſdictionem ordinariam, ſed delegatam. *art* 20.

Moniales non egent diſpenſatione ad Prælaturas, ſiue perpetuas ſiue temporales ſui Ordinis, cum non habeant Prælationem ordinariā, ſed quaſi ex commiſſione. Si tamen vt volunt quidam diſpenſatio requiratur, poterunt cum eis diſpenſare eorum Prælati, etiam extra Capitulum *art* 21 & 22.

Poſſunt Prælati diſpenſare cum familiaribus, & actu ſeruientibus Conuentui ad quæcumque beneficia Regularia, etiam Curata, modo non aſſumantur in fraudem ipſius priuilegij, poſſunt autem id facere etiam extra Capitulum. *art.* 23. & 24

IMMVNITAS.

PRæſumentes effringere Eccleſiam Regularem, aut loca Fratrum, aut in illis damnabilem violentiam exercere, excommunicantur, olim à ſolo Papa, iam etiam a Superiore domus, quoad forum conſcientiæ tantùm abſoluendi. Quam excommunicationem non incurrunt effringentes aliquod prædictorum, non vt capiant, ſed tantum vt inquirant reum, cura habent ius ad quærendum, & per conſequens ad omnia impedientia dictam inquiſitionem, remouenda 10.2.*qu* 50 *art.* 2.

Iudices ſæculares inuentum reum in Monaſterio, &c. etiam immunitate Eccleſiaſtica indignum vt ſunt per declarationem *Greg* XIV publici latrones, viarum graſſatores, agrorum depopulatores, & qui in locis ſacris homicidia, aut mutilationes fecerunt, aut qui proximum proditorie occiderunt, aſſaſſini, hæretici, aut læſæ Maieſtatis rei nullo modo extrahere poſſunt ſub pœna excommunicationis, donec Epiſcopus proprius, aut vicinior, cauſa prius cognita, eis tradiderit. Dum autem cauſę nouitas inquiritur, non in ſæculari carcere, ſed in eccleſiaſtico debet aſſeruari, repertuſque gaudere immunitate Eccleſiaſtica, ad Eccleſiam, vnde extractus eſt, debet reduci. *art.* 3

Dicunt aliqui quòd ſodomita, & grauiſſimè peccans non gaudet immunitate, nec Clericus, nec Religioſus; ſed ſtandum eſt conſuetudini receptæ *art* 4.

Regulares permittentes in ſuis locis, vel Eccleſijs malefactores à miniſtris iuſtitiæ capi, niſi particularē afferāt Epiſcopi, aut eius Officialis licēntiā cōtra particularē talē malefactoré, cū interuentu perſonæ eccleſiaſticæ ab eo authoritatem habentis (quidquid iurauerit Iudex, ſi fidem non ſeruet, ſed occidat) incidunt in irregularitem per Bullam *Greg.* XIV. Quod etiam verum eſt eo caſu, quo malefactor non gaudet et immunitate, quandoquidem tunc nulla ratione ſibi perſuadere debuerint, quod Iudex fidem ipſis ſeruaret *art* 3. & 5

In quibus caſibus Commendatarij Ordinum militarium gaudeant immunitate, & in quibus non, vide q.62. tom 2. ab ar.13 vſque ad 18.

Totum Monaſterium venit intelligendum nomine Eccleſiæ, & gaudet immunitate eiuſdem per priuilegium factum Ciſterſienſibus, etiam Monaſterij grangijs, ab Eugenio IV. tom. 2. q 65 *art* 2.

INDVLGENTIAE

Vide Infirmi, Itineratio, Diſpenſare.

PRælati habentes iuriſdictionem quaſi Epiſcopalem, veriſimiliter poſſunt ſuis ſubditis concedere Indulgentiam eodem iure quo Epiſcopi, ſcilicet diuino, licet aliqui contradicant, allegantes contrariam conſuetudinem totius Eccleſiæ, ſed conſuetudo non præſcribit contra ius diuinum, *Vide Iuriſdictio. tom* 2. *quæſt.* 8 *art* 2.

Prouinciales Mendicantium facta viſitatione poſſunt dare Fratribus & Sororibus benedictionem, & plenariam Indulgentiam per priuilegia facta Ordini Minorum & Societati IESV. *Per Leonem* X *&* *Gregorium* XIII.

Item Prædicatores quicumque eorumdem Ordinum, in quibuſcumque Eccleſijs, aut locis poſſunt dare ſuis auditoribus 40. dies Indulgentiarum *per Alexan.IV art.* 2.

INDVLGENTIA

plenaria à Fratribus lucranda.

Vide Abſolutio quoad Fratres, Capitulum, Conceptio, Diuinum officium.

Indul-

INdulgentiam plenariam lucrantur Fratres Minores per multa priuilegia. Primo, in die receptionis habitus profeſſionis, & mortis articulo, non ſolum vero, ſed & præſumpto. Sed ſi lucrati fuerint in præſumpto, non remanebit pro vero. *to.2. qu 87 art* 1. *&* 9.

Secundò, celebrantes in omnibus diebus Dominicis, in omnibus Feſtis Domini Sabaoth, beatæ Mariæ, & Sanctorum Ordinis Minorum. Imo per communicationem priuilegiorum, quotieſcumq; communionem ſumunt, cum id ſit Monialibus Sanctæ Claræ conceſſum per *Innocent. VIII. & Leon. X art.* 2.

Quando aliquo die ad Indulgentiam plenariam requiritur Communio, & Confeſſio, Fratres legitimè impediti lucrantur vt alij, ex *Greg.* XIII. Similiter, qui inculpabiliter non receperint, ſi poſt ſublato impedimento perfecerint quæ præſcribuntur, Indulgentiam conſequuntur, etiamſi dies conſtitutus præterierit *ibidem.*

His prædictis gaudent etiam Confratres Chordæ Sancti Franciſci, & omnes alij Regulares etiam non Mendicantes, qui Minorum priuilegiis communicant, *ibid.*

Tertiò, recitantes coronam Christi continentem 33. *Pater noſter, & Aue Maria*, in honorem 33. annorum vitæ eius: & coronam B. Mariæ cōtinentem 72. *Aue Maria*, cum 7. *Pater noſter*, & vno *Pater, & Aue*, pro ſummo Pontifice. Infirmi, qui non valent tantum dicere, ſupplent per vnū Pſalmum aut Hymnum Ieſu Christi, aut B. Mariæ. Denique idem lucrantur recitātes canticum Graduum, art. 3.

Quarto, facientes, vel audientes Miſſam Conceptionis B. Mariæ, vt ſuprà. Vide Conceptio. articulo 4

Quintò, ex Adriano VI. dicendo in pulſatione campanæ ad Aue Maria, ad primum ſignum, Angelus Domini, &c & Aue Maria. Ad 2. ſignū, Ecce ancilla Domini, &c. cum Aue Maria. Ad 3. ſignum, Et verbum caro factum eſt, &c. cum Aue Maria, lucrantur Indulgentiam plenariam art. 12.

Sexto, lucrantur Indulgentias Stationum Romæ, Ieruſalem, Sancti Iacobi, Portiunculæ, dicentes quacumque hora diei vel noctis, & quocumque loco (ſine vlla reſtrictione) ſe inuenerint 6. Pater noſter, & totidem Aue Maria, cum ſex Gloria Patri, &c Quorum quinque intentione totius Eccleſiæ dicuntur, ſextum vero pro ſummo Pōtifice *art* 7.

Quæ ſint & quantæ illæ Stationum Indulgentiæ, vid. à q. 88. ad 89.

Clem. VII, conceſſit Camaldulenſibus, Oblatis, & Nouitiis ſuas Eccleſias viſitantibus, & ibidem recitantibus Pſal. Exaudiat, vel 3. Pater, & Aue, rogando pro felici ſtatu ſuæ Sanctitatis, omnes Indulgentias quæ à Sede Apoſtolica in generali, & in particulari, aut quouis modo erāt conceſſæ & conſcedendæ ſub quauis verborum forma, Eccleſiis totius mundi, nec non Roſario B. Dominici. Quòd ſi quis legitimè impeditus prædictus Eccleſias non potuerit viſitare, ſufficiet dicere, quocumque in loco ſe inuenerit, ſemel Pſalmum Exaudiat, vel 3 Pater, & Aue. Si vero etiam hoc dicere non potuerit, ſufficit quod ſola mente, & intentione quo indulto gaudent omnes alij per communicationem priuilegiorum *art.* 3

INDVLGENTIAE
quoad ſæculares.

Vide Habitus, Benefactores, Confratria.

SAEculares omnes vtriuſque ſexus verè pœnitentes, & ſacra communione refecti, lucrantur Indulgentiam plenariam viſitando à primis Veſperis vſque ad occaſum Solis ſequētis diei Eccleſiam Fratrum Minorū, & ibi orando pro Chriſtianorū Principū concordia, hæreſum extirpatione & ſanctæ Matris Eccleſiæ exaltatione, in omnibus Sanctorum eiuſdem Ordinis Feſtiuitatibus *tom.* 2 *q.* 87 *art.* 5.

Item viſitantes eaſdem Eccleſias in Feſtiuitatibus Chriſti, & B. Mariæ lucrantur pro quocumque Feſto 548. annos, & 260 dies. *ibid.*

Item viſitantes eaſdem Eccleſias in quibuſlibet diebus lucrantur Indulgentiam 40. annorum, & 300 dierum, ſed in Quadrageſima quotidie 3857. annorum, & 207. dierum. *qu* 94. *art.* 1.

Fratres Mendicantes quandocumque prædicant in domibus ſuis, poſſunt concedere ſuis auditoribus 18. annorum, & 3 2. dierum Indulgentiam. Quæ reducta per dies facit 7200. & 72. dies Sed cum alibi prædicant tantum poſſunt concedere 18 annorum 222. dierum. Attamen quando prædicant in domibus ſuis Feria 2. 4. & 6 Quadrageſimæ, poſſunt concedere in ſumma 156. annorum, & 524. dierum, *per nouem ſummos Pontifices, q.* 95. *art.* 1

Sæculares audientes primam Miſſam Fratrum

rum Prædicatorum, liberantur annis 3 & amplius, per multos Pontifices. art. 2.

Item facientes celebrari Missas in Ecclesiis eorumdem, & alias audientes Officia, lucrantur ferè mille dies. Et audientes eius. Sermones & Missas in Ecclesiis Fratrum Minorum quolibet die, pro qualibet vice concessit Alexander IV. centum dies. ibid.

In die S. Ioannis Euangelistæ, & eiusdem Festo quod dicitur ante portam Latinam, & in Sabbatho Palmarum, Fratres Minores Reg. Obseruantiæ ex Leone X. liberant animã e Purgatorio [illegible] ante venerabile Sacramentum septem Psalmos pœnitentiales, aut quinque Pater. & Aue. Sed vult orator Pontifex, vt tali die Fratres recitent coronam B. Mariæ pro sua Sanctitate qu. 96. art. 1.

Fratres Minimi habent, quòd die Lunæ & Mercurij in omnibus Conuentibus sui Ordinis, Prælatus, qui dicitur Corrector, celebrans pro aliquo defuncto, animam liberet At si in domo sit Prouincialis, ipse est qui animam extrahit. ibidem.

Leo X. concessit Fratribus Minoribus Indulgentiam plenariam toties quoties dixerint Vigilias, aut septem Psalmos. ibid.

Calixtus III. concessit Indulgentiam plenariam pro patribus & matribus omnium Fratrum Minorum præsentium ac futurorum in Purgatorio [illegible] dem sic est interpretatum, vt [illegible] in mortis articulo plenariè possint [illegible] & Indulgentiam plenariam recipere. ibid.

Omnes Indulgentiæ lucrandæ per recitationem sex Pater, & Aue, cum Gloria [illegible] possunt applicari defunctis per modum [illegible] 8

Recitantes [illegible] m Miserere, aut [illegible] escit, [illegible] Aue, flexis genibus in Ecclesiis [illegible] consequuntur [illegible] & [illegible], ex concessione facta Ord. S. Benedicti [illegible] per Innoc. VIII Alex. VI [illegible] do pro eorum animabus dicatur oratio, Deus qui inter Apost. &c, potestque hæc concessio applicari defunctis. ibid.

INDVLGENTIARVM

publicatio.

Indulgentias concessas alicui Monasterio aut Ordini pro Fratribus, & sibi subditis, potest solus Prælatus publicare, non autem pro sæcularibus, quia tunc debent ab Episcopo duobus adhibitis de Capitulo examinari, & approbari, ex Conc. Trid. ad vitandos falsos abusus quæstorum. tom. 2 qu. 98. art. 1

Grauiter peccant Religiosi prædicantes Indulgentias indiscretas; dicuntur autem indiscretæ, quando non fuerint concessæ, vel malè concessæ, vel quando sunt dubiæ art. 2

Indulgentiæ concessæ valent à tempore quo sunt datæ sed [illegible] ad eos qui lucrari volunt, incipiunt [illegible] habere à die publicationis & præsentationis earum. art. 3.

Pleraque alia, hanc Indulgentiarum materiam concernentia vide ab art. 3 vsque ad finem quæst.

INFIRMI

Receptissima est sententia, quod omnia quæ iubet concessio Indulgentiæ fieri, debent impleri vt possit lucrari, ita vt etiam si infirmitate, aut legitimo alio impedimento aliquis sit detentus, sic vt ea non possit implere, Indulgentiam non lucretur, nisi sua Sanctitas cum infirmis, & legitimè impeditis dispensare Apostolica authoritate dignetur, quia Indulgentia est stricti iuris, nec valet [illegible] sonat tom. 2. qu. 102 art. 1.

Eugenius IV concessit Fratribus Minoribus de Obseruantia, quod si casus occurreret, quo non possent confiteri, etiam tunc consequantur Indulgentiam plenariam, à se & à pluribus aliis Pontificibus, pro articulo mortis eis concessam, modo sint in statu gratiæ. ibid.

Benedictini infirmi, aut occupati lucrantur easdem Indulgentias quas alij assistentes [illegible] officijs, etiam in festo corporis Christi, ex Eugenio IV ibid.

Item [illegible] & infirmi Ordinis Sancti Hieronymi facientes [illegible] quod pium & æquiualens opus, lucrantur omnes Indulgentias, ac si visitarent Altaria, aut Ecclesias, vel aliud opus requisitum ad lucrandam Indulgentiam implerent. ibid.

Fratres laici experti in medicina, ex doctrina, aut exercitio ante vel post ingressum, de licentia suorum Superiorum possunt mederi infirmis [illegible] infirmitati exigente, si ex deuotione, aut charitate innocentur art. 2. ex Eugenio IV. & Nicolao V.

Idem possunt omnes Religiosi Societatis, absque metu irregularitatis [illegible] Exculares, quando commodè Medici sæculares haberi non possunt, citra tamen adustionem & incisionem per ipsos faciendam. *Ex concessione ipsis facta per Gregorium XIII. ibid.*

IMPRI-

IMPRIMERE.

OLim poterant Fratres per Clement. VII. imprimi facere libros [illegible] ad [illegible] rerum ſpectantia ad ſuum Ordinem, ſine [illegible] & Inquiſitoris examine, ſed hoc reuocat *Concil. Trident. 4. seſſ. de vſu. & editione ſacrorum librorum. to. 2. q. 104. art. 1.*

Regularis obtinens regale priuilegium pro hiomiuum, ne alius imprimat aut vendat libros à ſe compoſitos, acquirit tale ius ſuo Monaſterio capaci, ſcilicet poſſeſſionis iuris, ſi alias acquirit Papæ, vt Frater Minor, & tunc Syndicus ſolus nomine Papæ poteſt procedere contra infractores, & tale ius petere *art. 1. & 2.*

Vitanda ſummopere eſt mercatura, & turpe lucrum venditionis eiuſmodi librorum, præſertim à Fratre Minore, cui non licet vllo modo imprimere facere libros lucri gratia, cum ſit per Regulam interdictum *ibid. & art. 3.*

Syndicus pertinens ius regale poteſt quidem agere pro damno vitando, & impedire furtiuas impreſſiones, & venditiones, ne impreſſio Fratrum dam[illegible], ſed non poteſt agere pro lucro captando, quia hoc repugnat ſtatui Fratrum. *art. 4.*

INQVISITOR FIDEI.

Vide Hæreſis.

INTERDICTVM.

GEneralis aliquis Regularis, vel Abbas iuriſdictionem quaſi Epiſcopalem habens poſſet interdicere aliquam ciuitatem, aut caſtrum, in quod haberet plenariam iuriſdictionem, alias non *tom. 1. qu. 107. art. 2.*

Item Priores Monachorum non Mendicantium poſſunt interdicere ſuos ſub ditos ab auditione [illegible] diuinis, & confeſſionibus, ſed hoc nequeunt Mendicantes, cum hoc ad Superiores Prælatos pertineat *ibidem.*

Prælati omnes, qui ordinaria poteſtate poſſunt excommunicare ſubditos & interdicere ſuos, eoſque ſuſpendere, & abſoluere, per ſe, vel per alium Clericum, non tamen per fœminam et Abbatiſſam: tamen in ſummo priuilegio non eſt capax huius iuriſdictionis *art. 1. & 3.*

Certum eſt, quod Monaſteria ciuitatis, aut caſtri interdicti, quando ciuitas ipſa aut caſtrum interdicuntur etiam [illegible] ex[illegible]itos. [illegible] concil. [illegible] Fratribus Minoribus, quod ſi contineat ciuitatem, vel oppidum cum [illegible] circumiacentibus ſire quæ [illegible] domus Fratrum exiſtant. Eccleſiaſt [illegible] Ordinis, [illegible] cauſam [illegible] deſerint, vel eis [illegible] ex cauſa legitima interdictum ſit [illegible] ſeruare [illegible], niſi alias domus ipſorum Fratrum debere interdicto talis oppidi comprehendatur *tom. 1. q. 108. art. 1.*

Conceſſit [illegible] Fratribus Minoribus [illegible] X quod Eccleſiæ eorum interdici non poſſint [illegible] inſtantiam cuiuſcumque perſonæ, quantumcumque dignitate, niſi tota ciuitas, vel domus huiuſmodi conſiſtit, Apoſtolica, ſeu Ordinaria authoritate Eccleſiaſtico interdicto ſupponatur. Simile eſt de Eccleſiis Sancti Ioannis, *vt tenet Nauarrus*, ad quas non [illegible] Epiſcopus ſpeciali interdicto [illegible] Eccleſias interdicat, quia etſi intra fines Diœceſis conſiſtant, & in eadem ciuitate, in nulla tamen ciuitatis communione participant. *art. 2.*

Licet Religioſi non poſſint ab Ordinariis ſpecialiter in eadem ex[illegible] Pontificum indultis, & Religioſi [illegible] vt beneficiati ſunt, in Diœceſi alicuius Epiſcopi. *art. 3.*

Interdictum ſiue valeat, ſiue non valeat, ſeruandum eſt ab omnibus Religioſis [illegible] quando ſeruatur [illegible] qui non [illegible] Interdictum [illegible] Matrix Eccleſia [illegible] *art. 4.*

Matrix Eccleſia dicitur Eccleſia maior vel Baptiſmalis, vnde elaret quo pacto differt à Metropolitana, quam in hoc non tenentur [illegible] Religioſi omnes per Diœceſim *art. 5.*

Si plures ſunt Parochiæ in vno loco, & vna ſeruat, alia non, tunc non tenentur [illegible] ſeruare *ibid.*

Regulares non ſeruantes [illegible] Interdictum [illegible] Eccleſia [illegible] authoritate Apoſtolica [illegible] Ordinariis [illegible] ad hoc [illegible] excommunicantur [illegible] matrem [illegible] non [illegible] cum debeant [illegible] canonum [illegible] canonis [illegible], ſed [illegible] ſacris canonibus [illegible], & eis [illegible] Eccleſiæ. [illegible] non ligat, & ſeruet matrix [illegible].

Religioſi

Religioſi non ſeruantes ligantur pœna excommunicationis, non alijs. *art.* 5. & 6.

Iuxta mentem Authoris contra *Nauarrum* priuilegia, quibus poterant Regulares certis tantum diebus non ſeruare interdictum, minimè ſunt reuocata per *Concil. Trident ſeſſ.* 25. *de Regularibus. cap.* 4. *&c tom* 2 *q* 112. *art.* 1.

Feſtiuitates in quibus Mendicantes poſſunt per priuilegia tempore interdicti celebrare alta voce, & [illegible] are, ſunt Feſta omnium Sanctorum ſui Ordinis canoniſatorum, & eorum Octauæ, etiam de Octaua tantum fiat commemoratio [illegible] Minoribus præterea eſt Feſtum Portiunculæ, & [illegible] quinque Fratrum eiuſdem Ordinis Minorum [illegible] hoc priuilegium [illegible] tam ad tempus interdicti ſpecialis, [illegible] Eccleſia Fratrum eſſet nominatum interdicta [illegible] *art* 2.

In [illegible] Feſtiuitatibus, quibus poſſunt Fratres iure communi, aut priuilegio celebrare tempore interdicti, poſſunt non tantum celebrare & canere [illegible] Horas, ſed & Sacramenta [illegible] tamen qui poſſunt tunc ea recipere [illegible] mortuos Religioſos & læ[illegible] in [illegible] tamen Eccleſijs tantum *ibid.*

Eadem omnino facere poſſunt Fratres toto tempore interdicti etiam Papalis, ſed ſubmiſſa voce, ianuis clauſis, & ſine pulſu. *ibid.*

Multæ ſunt aliæ Feſtiuitates, in quibus ſuſpendi poteſt interdictum. *ibidem.*

Feſta Sanctorum, quorum corpora ibi requieſcunt, & patronorum Eccleſiæ ſunt priuilegiata, ſimiliter & eorum Tranſlationes, cum quibuſdam alijs *art* 3. & 4.

Item totus dies profeſſionis alicuius Fratris aut S[illegible], & dies celebrationis primitiarum à primis Veſperis ſunt exempti ab interdicto. *art.* 5.

Prælati Sancti Benedicti, & per communicationem etiam [illegible] Prælati, tempore interdicti [illegible] ſpecialis eligere poſſunt inter [illegible] & mu[illegible] ex perſonas, dummodo non [illegible] interdicto, & ipſum non ſit [illegible] authoritate Apoſtolica [illegible], quæ poſſunt [illegible] pore [illegible] diuinis in ſuis Eccleſijs, Sacramenta recipere, & ſepeliri, ſine ſolemnitate tamen, ſi aliquem illatum [illegible] tempore mori contigerit *art* 6.

Ex conceſſ. Nicolai Franci Nuntij Apoſtolici in Regnis Caſtellæ, Legionis, & Aragoniæ, poſſunt eligere [illegible] *ibid.*

Idem poſſunt Moniales, quod ipſi Religioſi, per communicationem priuilegiorum [illegible] ſpecialiter verò Moniales Sanctæ Claræ, & [illegible] ſub cura Fratrum Minorum degentes, [illegible] etiam Feſtum S. Eliſabeth filiæ Regis [illegible], & eius Octauum *tom.* 2. *q.* 113 *art* 1 &c.

Operarij Fratrum perſonaliter in [illegible] operibus eorum, & negotijs, familiares eorum, & famuli actu ſeruientes poſſunt illo tempore interdicti cum Fratribus audire, & recipere [illegible], niſi fuerint excommunicati publicè, vel nominatim, [illegible] dederint interdicto. Idem poteſt Syndicus Fratrum aut Sororum cum vxore ſua & [illegible] poſſunt [illegible] omnes ſepeliri in Eccleſijs Fratrum [illegible] moriantur tempore interdicti, & ceſſatione à diuinis. Idem omnino permiſſum eſt Medicis ordinarijs Fratrum aut [illegible] Doctori [illegible] quo tempus interdicti, non ceſſatione à diuinis. *tom* 2. *q.* 114, *art.* 1, 2 & 3.

IRREGVLARITAS.

Vide Bellum, Diſpenſatio, Immunitas.

MOnachus iuuans Chirurgum ad ſcindendum membrum aliquod, non incurrit irregularitatem, tum quia nullo canone exprimitur, tum quia per mutilationem membri ſanitatis cauſa factam, non incurritur irregularitas. *tom.* 2. *q.* 105. *art.* 3.

Regularis conqueſtus apud Iudicem de furte, proteſtans interim ſe non intendere ſanguinem, ſed tantum rei ablatæ reſtitutionem, ſi locum vbi ſit oſtendat, incurrit irregularitatem, niſi reus eſſet fugitiuus, & præſumi poſſet quod ſententia in eum lata nihil proficeret, niſi reteneretur. Secus tamen, ſi non indicaret locum vbi eſſet, aut non curaret teneri: nam proteſtatione facta tutus eſſe poſſet. *art* 4.

ITINERATIO.

Vide Apoſtaſia, Ieiunium.

CAlixtus III aliquando ſtatuit vt Fratres Conuentuales itinerantes tenerentur ſub excommunicatione ſe ſiſtere præſentare, & ſubdere Prælato Conuentus de Obſeruantia, ſi ibi Conuentuales non ſint, & contra, ſed hoc ſtatutum fuit poſtea ſuſpenſum, *tom* 2, *quæſt.* 121. *art* 2.

Fratres Minores per obedientiam itinerantes poſſunt lucrari Indulgentias ſtationum, & alias omnes, ac ſi eaſdem viſitarent, dicendo quinque Pater, & *Aue. Ex Innocent. VIII. art.* 4.

Pius V. conceſſit captiuis apud infideles in articulo mortis, quod ſi cum contritione poſſint conſequi Indulgentiam plenariam, ſi non habeant copiam Confeſſoris. Quod idem conceſſit *Eugenius* IV. omnibus Fratribus etiam non captiuis in hoc articulo *ibidem.*

IVDEX.

CVM amoris proprij, qui omnis diſcordiæ fons eſt, nec Religioſi ſint expertes, neceſſe eſt etiam in Religione eſſe Iudices ad pacem communem tuendam, quos maximè decet patrialitas, iracundia, & verba inordinata. *to. 2. q. 1. art.* 1. 2. 3. & 4.

De nullis cauſis Regularium poteſt Iudex ſæcularis cognoſcere: quia quilibet talis gaudet priuilegio canonis, & fori. *tom. 2 q 2 art.* 1.

Deciſio cauſarum Ordinum militarium, cõceditur per *Pium* V. ipſorum Ordinum Prælatis tam in ciuilibus, quàm in criminalibus, cum prohibitione appellationis ad alios, quam dictorum Ordinum Iudices. *art.* 2.

Aſſumens Ordinem Eccleſiaſticum, aut ingrediens Religionem poſt delictum à ſe commiſſum in fraudem, vt ſe eximeret à iuriſdictione ſæculari, non liberatur ab ea, ſed poteſt per Iudicem ſæcularem contra eum procedi ad punitionem delicti ciuiliter quidem; vel criminaliter, vel mixtim, ſi in Religione probata profeſſionē ſolemniter tantum emiſerit in fraudem, & non fuerit ſacris inſignitus, cùm eius profeſſio nulla ſit & irrita: ſi autem Ordines receperit, poteſt contra eum procedi, non vt poſſit puniri corporaliter a Iudice laico, ſed tantum in confiſcatione bonorum, aut pœna pecuniaria, prout qualitas delicti exigit, quia etſi Clericus non ſit ſubditus Iudici ſæculari ratione perſonæ, manet tamē in hoc caſu ratione cauſæ, & bonorum *art* 3.

Fraus in hoc caſu præſumitur, ſi quis poſt delictum commiſſum, & ante ſuſceptum Ordinem, aut ante ingreſſum Religionis fuerit accuſatus vel denunciatus, aut ſaltem infamatus. *ibidem.*

Laicus profeſſus dimiſſo habitu, imò eiectus ab Ordine committens ſcelera non poteſt puniri à Iudice ſæculari, quia per talem eiectionem nō traditur foro ſæculari, ſed Eccleſiaſtico. Secus eſt de eo, qui a Religione expellitur, & habitu regulari priuatur, eo quod eius minimè valuit profeſſio, quia poteſt Iudex ſæcularis de eius cauſis cognoſcere tam criminalibus, quam ciuilibus, & mixti fori. *art* 5.

Iudex Regularis cognoſcit de crimine graui Fratris Nouitij, v. g. furti, idipſum quamdiu talis eſt, gaudet priuilegio fori. *art.* 10.

Prælatus Regularis poteſt & debet, quoad fieri poteſt, procedere vt Pater (vnde olim dictus eſt Abbas) vt ſit velut medicus ſuorum vulneribus pietate paterna, & bono modo, ſine forma iudiciali ... ſuppleri ... Quando autem ... eſt ... debet procedere vt Iudex, & ... quantum fieri poteſt, debet vitare apices & ſolemnitates iuris ſolemnitates, quæ multùm dedecēt ſtatum Religioſum, ſed procedere ſummariè, & ſine ſtrepitu, præſertim contra ſtatuta ſua, & in rebus non tanti momenti, ita tamen, vt eſſentialia iuris retineantur, & nihil incommodi patiantur ius naturale, & gentium. Ius autem gentium apud Regulares, ſunt conſtitutiones Ordinis generales, *tom 2. q 3 art.* 1.

Iure & ſpeciali priuilegio admittitur teſtimonium Fratrum, etiam Nouitiorum, in cauſis proprijs Monaſteriorum ſuorum, ſiue ciuilibus, ſiue criminalibus, licèt veniret ipſis aliquod lucrum de Monaſterio, modo tamen non potuerint extranei teſtes vocari, ne aliòqui ius eorum pereat; modò illi Fratres teſtes non ſint Conuētus actores, aut reſponſales. *tom* 2 *q.* 11 *art* 1.

Monachus poteſt cogi ad teſtificandum, quādo aliter veritas haberi non poteſt, non tamen in cauſa ſanguinis *art* 2.

Moniales iuridicè teſtantur contra alias, quando de rei veritate aliter conſtare non poteſt, etiam in criminalibus: & ſufficit duarum teſtimonium, quia licet ſint mulieres, ſunt tamen Religioſæ Deum timentes *art.* 3.

Quamuis validum ſit Regularis teſtimonium abſque ſui Superioris licentia datum; id tamen ei prohibetur, & iure repelli poteſt. Quia etiam in criminalibus requiritur facultas ipſius Prouincialis, ac propterea cauere debent P. P. in Cōuentuales, ne in ſimilibus cauſis dictam licentiā concedant ſine expreſſo aut tacito eorum conſenſu Prouincialis: nam etiamſi Religioſi faciant proteſtationem iuridicam, ſi ex eorum teſtimonio ſequatur mors alicuius, aut enormis effuſio ſanguinis, aut membrorum mutilatio, efficiuntur irregulares; vt bene notauit *Conar* & Prælato hoc præcipienti non eſt obtemperandum. *art.* 4.

In criminalibus nunquam admittitur teſtimonium laici contra Clericum, niſi alij teſtes idonei deſint, & tunc in his ... modi ... nec tamen efficit tātum ſemipleniam probationem, quamquam

qu[illegible] plenam [illegible] Mon[illegible] non promiſ[illegible] ſac[illegible] lom[illegible] us admittit; eo q[illegible] Mon[illegible] non ſit a[illegible] ngrati[illegible] Clerici ſæculare. *art.5.*

Plura de materia teſtium, *vide quæſt.* 12. 13. 14. 15 & 16.

De Notario.

IVxta qu[illegible] De[illegible] in q[illegible] iudicio etiam ſumm[illegible] qua[illegible] Regularium, req[illegible] Notariu[illegible] & Secretarius ad ſcriben[illegible] vnde quidem Prælati minu[illegible] ſcribentes [illegible] teſtimonia, [illegible] ex eo q[illegible] od commu[illegible] Regularium [illegible] momenti [illegible] *tom.2.q.* 4 *art* 2. &c.

Eſt autem ſum[illegible] quo ſola [illegible] definitiuam, non ſeruat[illegible] iuris a[illegible] *ibid.*

De Citatione reorum.

Vide quæſt 18.

De Interrogatione [illegible] quæſt. 9.

De Tortura.

LIcet Prælato Regu[illegible] per ſe, [illegible] ſubdi[illegible] tas [illegible] re cauſa correcti[illegible] ſueto, abſque timore [illegible] tamen per [illegible] Con[illegible] tus[illegible] Superior [illegible] in extremum [illegible] ca[illegible] co[illegible] ex[illegible] *q.* [illegible] *art* [illegible]

De [illegible] Canonic[illegible]

REgularis cum [illegible] poteſt, [illegible] deſerere [illegible] contraria ex [illegible] communem ca[illegible] caſu C[illegible] us ac[illegible] & [illegible] cano[illegible]

De [illegible]

Q[illegible] iudicio ſi[illegible] æquita[illegible]

INCARCERATIO.

D[illegible] eſt, [illegible] quàm par eſt ſieri [illegible]

[illegible] ne om[illegible] hoſti[illegible] rerum, [illegible] damnum & [illegible] ſen[illegible] canon[illegible] Si [illegible] ſuadente, [illegible] Nauarrus [illegible] ex [illegible] bus, & [illegible] *tom.2.q* 23 *art* 2.

P[illegible] certis R[illegible] poteſt ob [illegible] pœna [illegible] ſo ob [illegible] om[illegible] n[illegible] um carcerum h[illegible] *art.* 4.

Regu[illegible] obum, aut potum [illegible] no[illegible] lo[illegible] ſt[illegible] ctione reſtum [illegible] cuſat: ſt[illegible] *art.* 5.

L[illegible] C[illegible] ante & poſt condemnationem ad [illegible] fuge [illegible] tamen Regularis ob [illegible] & præceptum de non e[illegible] Mon[illegible] iniu[illegible] ab[illegible] ſic[illegible] io iuſtæ [illegible] v. g. cuſtos carceris den[illegible] *art.* 6.

Damnatio ad triremes

IV[illegible] R[illegible] ex priuilegio Pij V. & [illegible] ſummi [illegible] Fr[illegible] res e[illegible] ad triremes [illegible] *quæſt* 25 *a* 1.

Q[illegible] eſt, & m[illegible] abho[illegible] N[illegible] S[illegible] ho[illegible] D. Aug[illegible] Bern. D[illegible] ſola c[illegible] Relig[illegible] videantur. *art* 2.

De [illegible] rerum impendarum qua[illegible] tate.

DE qua[illegible] us [illegible] darum M[illegible] diuerſa peccata, *vide tom* [illegible] *ibid.*

De [illegible] orum [illegible]

L[illegible] ne [illegible] iudici [illegible] do[illegible]

IV[illegible]

Vide [illegible]

R[illegible] ſeculi contra Regulam [illegible] teſtimo[illegible] ferendum in [illegible] di a [illegible] habent [illegible] bus [illegible] à uo[illegible] P[illegible] R[illegible] orum Fr[illegible] in quibus [illegible] pone[illegible] *tom.2 q.[illegible] art 2 & [illegible] q 7 [illegible] 1.*

A[illegible] ut ſufficienter [illegible] etiam [illegible] ſicut Sacerdo[illegible] in vere Sacerdo[illegible] cre[illegible] Verum oppoſitum videtur pro[illegible] ob ple[illegible] Doctorum [illegible] *to.2 q.120 ar 3.*

IVRISDICTIO.

Vide Abbatiſſa. Epiſcopus. Excommunicare. Cuſtos, Commiſſarius. Generalis. Guardianus. Miniſter Prouincialis.

PRælati Regulares [illegible] Ordinarij [illegible] orum interiorum habent [illegible] dictionem à iure diuino quemadmodum & Epiſcopi vnde [illegible] ne Doctorum, ſicut & Epiſcopi omnia [illegible] poſſunt in ſuos, [illegible] Papa in vniuerſam Eccleſiam, niſi [illegible] E[illegible] in [illegible] caſibus [illegible] prohi[illegible] *tom.1.q.7 art 2 & 6. & q.22 art.10. & q 23 art.1*

Prouinciales, vtpote aſſumpti in partem ſolicitudinis Apoſtolicæ, habent iuriſdictione quaſi Epiſcopalem [illegible] vtroque foro iure communi, & ex [illegible] exercere poſſunt vtrique, cùm non habeant [illegible] territorium, licet multo decentius ſit, [illegible] in Conuentibus ſuæ prouinciæ exercere. *tom.[illegible] q.19 art.[illegible] tom 3. q 43 art.2*

Hæc tamen [illegible] reſpicit tantùm regimē: nam ad Pontificalia minimè ſe extendit.

Quamuis in pluribus maiorem habeant poteſtatem quam Epiſcopi, v.g. quoad abſolutione[illegible] & diſpenſationes: pro quibus *vide tom.1.q.20. & verb Diſpenſare.*

LAICI.

Vide el[illegible] Index

FRatres Laici ſeu Conuerſi [illegible] um ſolemniter promittentes tria vota [illegible] alia, ſecundum aquam Regulam à Sede Apoſtolica approbatā, in manu Prælati eos incorporare valentis, ſunt vere Religioſi, & Eccleſiaſticæ perſonæ. *tom.2 q. [illegible] art 1*

Promoti tamen ad ſacros Ordines ſine licentia Prælati grauiter [illegible] pleſtendi, & [illegible] *art.3*

Ne[illegible] & recitatione diuini Officij [illegible] ſtatum laicalem ſecundum [illegible] *tom 1 q.4 art.9*

Nullus autem Generali inferior, quamuis ſit Commiſſarius generalis, cum ple[illegible] poteſtatis, poteſt [illegible] licentiam [illegible] ad Clericatum [illegible] quantum ad hoc, eius authoritas [illegible] ſit [illegible] *Leo X. conſtitutione [illegible] i,*

LECTORES.

P*ius* V. [illegible] Lectores Theologie, qui [illegible] acti[illegible] & paſſiua [illegible] m conſtitutionem [illegible] *G*[illegible] XIII [illegible] Va[illegible] fuit [illegible] docuerint, [illegible] annis continuis do[illegible] vergat in vtilitatem prouinciæ. *tom.2 q.[illegible]0 art 1.*

LEGATVS.

Vide Exemptio

MOnachus [illegible] Canonicus, poteſt eſſe Legatus Papæ vel [illegible] Legati, Officialis vel [illegible] Officialis Epiſcopi, & cognoſcere de cauſis, ex *deciſ Rotæ. to 2 q 114. art 1. & 2.*

Legatus conferens beneficium ſæculare Regulari, non requirit cōſenſum Abbatis, quia cēſetur cum ipſo diſpenſare. *art.3.*

LEGATVM.

Vide. Nouitium. Studium.

LEgatum quo[illegible] relictum Religioſis vel [illegible] officiere ſiue per [illegible] gulam, ſiue per [illegible] *tom 2 q [illegible] art 1*

Si vero [illegible] Monacho, ea lege vt ſibi [illegible] ſi & non M[illegible] non valet, ſecus ſi [illegible] tunc [illegible] eſſe relictum [illegible] *art.2*

Legatum [illegible] relictum, vt Abbas [illegible] poſſit de eo [illegible] non eſt acceptandum, co[illegible] nondecet Religioſum. *art.3*

Regularis cum licentia tacita aut expreſſa ſui Prælati Conuentualis acceptare poteſt legata, & eis vti abſque eo quod incorporentur communitati, neque id [illegible] contra mentem *Conc. Trid ſeſſ. 25 de Regular c.2. art 4*

*Le[illegible] Religioſo extra O[illegible] inem Fratrum Minorum [illegible] eſt Prælatus in [illegible] vtilitatem, & [illegible] non obligabitur [illegible] magis quam antea, vel [illegible] ſed tenebitur [illegible] neceſſaria ſubmi[illegible] pe[illegible] legatum [illegible] Religionis infringere, nec prætum [illegible] id vouiſſe. De[illegible] legatum illud incorporatum ſuit Conuentui *art.6.*

S[illegible] legatum pecuniarum [illegible] Fratribus minoribus, cuius pecuniæ [illegible] Ordo eſt [illegible] Prælatus [illegible] ſtatibus præſentibus [illegible]

canonibus, in quacunque ſit materia, cum Papæ authoritati magis ſubſint, quàm Principi ſæculari. Imo nec Monachos adſtringit, ſi priuilegio ſibi conceſſo contrauenia. *ibid.*

Quòd ſi aliquando Monachi aut Clerici comprobentur rei legum ciuilium, quibus ſubduntur, non poſſunt trahi ad tribunalia ſæcularia, ſed puniendi ſunt à Iudice Eccleſiaſtico aut Regulari, & hoc non neceſſario ſecundum diſpoſitionem legis, ſed iuxta arbitrium Iudicis, & grauitatem materiæ conſtitutionis violatæ, & ſcandalum inde exortum. *ibidem.*

Plura de hac materia proſequitur Author. *in hac & 67. quæſt.*

LIBRI.

Vide Imprimere, Hæreſis.

EX Bibliotheca Fratrum Minorum furtim præſumens pro ſuo vſu librum, aut quaternum ſurripere, etiamſi Epiſcopus ſit, ipſo facto incurrit excommunicationem Papalem *tom 2. q 129 art. vnico.*

Clemens VIII. prout teſtatur Reuerendiſſimus Pater Franciſcus à Soſa totius Ordinis Minorum Generalis, reuocauit conſtitutionem *Sixti* V qua ſtatuit pœnam excommunicationis Papalis, & priuationis omnium officiorum, necnon vocis actiuæ & paſſiuæ contra Guardianos ante ſuſceptum officium, non facientes diligens inuētarium omnium librorum Bibliothecæ, & contra quoſcumque Fratres quouis prætextu, ex ipſa Bibliotheca libros extrahentes, ſed tātùm eos ligari voluit, qui in fraudem Bibliothecæ aliquid ſurripiunt. *ibid.*

MAIORATVS.

Vide Hereditas. Monaſterium Monachus.

MATRIMONIVM.

Vide Legatum, Nouitius, Profeſſio, Votum.

REgularis matrimonium contrahens, tanquā ſuſpectus de hæreſi ab Inquiſitoribus fidei punitur. *tom 3 q 1 art. 1*

Iam de iure nullum eſt matrimoniū à profeſſo vel profeſſa tacitè aut expreſsè contractum: eſt enim hoc propriius ſolemnitatis votorum effectus, vnde olim erat validum, quando votum Regulare ſimplex tantum cenſebatur. *art. 2.*

Matrimonium ratum & non conſummatum, per ſolemnem profeſſionem dirimitur, etiam quoad vinculum, ex *Concil. Trident.* Ex hoc non tantum iure Pontificio, ſed & quaſi naturali, vel etiam (vt *Scotus* & *D. Bonau*) diuino; cùm fieri profeſſio, vbi nulla in ea conſtat iniuria tertij, ut mihi videtur ... aufert. *art. 4.*

Poteſt ſummus Pontifex in voto ſolemni continentiæ diſpenſare, cum ipſa ſolennitas ſit ab Eccleſia; ſic tamen vt profeſſus virtute huius diſpenſationis contrahens non amplius remaneat verus Religioſus. *art 5.*

Vota Societatis etſi ſimplicia, & conditionata ex parte recipientis, cum propriè Religioſum efficiant, *ex declarat. Greg.* XIII. dirimunt etiam Matrimonium. *art. 6.*

Eundem dicendum de profeſſione caſtitatis emiſſa in Ordine ſancti Ioannis de Malta, non autem in alijs Ordinibus militaribus, quorum profeſſores coniugalem dumtaxat caſtitatem vouent, vnde ſolum Clericorum profeſſio, non aliorum, Matrimonium dirimit. *art 7.*

Regulares abſque licentia Parochi Matrimonium ſolemnizantes, excommunicantur, a ſolo Papa abſoluendi. *quæſt. 2. art 1.*

MENDICITAS.

Vide Communicatio priuilegiorum, Fratres Minores, Peſtis.

LIcet peregrinari mendicando cauſa maioris humilitatis, & patientiæ, etiam non facta bonorum renunciatione, multo magis ea facta. *to. 3 quæſt 3 art. 1.*

Nullo præcepto tenetur quis laborare manibus, niſi vt vitet otium vitiorum, & ſine vlla tertij iniuria cum ſuis viuat. *ibidem*

Mendicitas Fratrum Minorum & Prædicatorum licita eſt, & meritoria, modò non extendat ſe ad ſuperflua conquirenda, & bonis operibus corporalem laborem recompenſet *art 2*

Quinimo ex vi Regulæ ad ipſam mendicitatem tenentur Fratres Minores, cum ob factam bonorum omnium renunciationem hæc ſola via illis ſuperſit ad vitam tuendam: quamuis enim iure diuino, aut naturali, aut alio quouis modo, ſæculares teneantur & rogi poſſint, etiam implorato ad hoc à Fratribus officio Iudicis ad vitæ neceſſaria eis ſubminiſtranda pro labore, Miſſis, Concionibus, &c. ipſi tamen Fratres nullam inde certitudinem ciuilem habent, aut habere poſſunt. *art. 3.*

Nullo tamen præcepto oſtiatim mendicare iubentur. *ibidem.*

Mendicantes in duplici ſunt differentia, alij ex Regula, vt ſunt Fratres Minores, qui proinde nihil proprij, etiam in communi, habere poſſunt, alij ex conſtitutionibus, & his licitum eſt aliquid in comuni poſſidere *tom. q 125. art. 1.*

MILITARIS ORDO.

Vide Commendatores, ... Exemptio quoad ſæculares ... Immunitas, Interdictum, Ordo militaris, Paupertas, Prelatus.

MINISTER PROVINCIALIS.

Vide Inſ[illegible] E[illegible] Bo, Viſitatio

In [illegible] one M[illegible] Prouincialis po[illegible] ſpe [illegible] n[illegible] vi[illegible] ratione, quàm T[illegible] co[illegible] ta, q[illegible] m[illegible] a[illegible] ſe res habeat [illegible] Ep[illegible] o[illegible] u ele[illegible] ui[illegible] differentiæ ratio eſt, quo [illegible] ad præd[illegible], [illegible] le ad r[illegible] m præcip[illegible] inſtitu[illegible] to. 3 quæſt 24 art 3

Ex conceſſ. Apoſtolica [illegible] M[illegible] niſt[illegible] F. Mi no[illegible] c[illegible] m in omne Soro res S[illegible] æ C[illegible] T[illegible] q. ni do voce[illegible] q[illegible] am P[illegible] q[illegible] *ex Regula* p[illegible] e[illegible] ea[illegible] m S[illegible] pro quo[illegible] e[illegible] m Mo[illegible] aſt[illegible] ingredi, niſi in ca[illegible] ni[illegible] nec a[illegible] cam[illegible] en iam co ce[illegible] c po eſt *tomo 1. q[illegible] 17 art 8.*

M[illegible] aſte ium [illegible] S[illegible] um nouiter e rect[illegible] p[illegible] gi[illegible] ex p[illegible] c[illegible] o fa[illegible] ſit ſubie[illegible] M[illegible] rouinci[illegible] *art 9*

[illegible] in Sorores eſt ordinaria, qui[illegible] e[illegible] gi & o[illegible] iſta t[illegible] n[illegible] per[illegible] q[illegible] a[illegible] o con ſerui[illegible] t o[illegible] m ord[illegible] & authorita te[illegible] Commiſſario pro dictis Monialibus[illegible] *art 10.*

MISSA.

Vide Altare, Legata, Parochus.

Clemens V. ſ[illegible] ra[illegible] m, vt nullus ſæcularis M[illegible] Ex[illegible] præſumeret celebrare in E[illegible] F[illegible] m Mi[illegible] ine eo[illegible] um conſen ſ[illegible] *Leo* X. [illegible] ne[illegible] ibi e[illegible] quod [illegible] debeant *tom 3. q 4 art. Vide Sepultura.*

Bo[illegible] X. [illegible] Eccleſiarum Prælatis ſeu e[illegible] ex[illegible] mu[illegible] fa[illegible] to in[illegible] nda[illegible] h[illegible] ne quoque mo[illegible] Prædi c[illegible] aſſeta M[illegible] atum, & quoſ[illegible] [illegible] & [illegible] um [illegible] *ibid.*

[illegible] *ex Breſſo le Leonis X.* [illegible] M[illegible] com[illegible] enda[illegible] qui[illegible] [illegible] ſpe[illegible] m la[illegible] cū ce[illegible] conſuta [illegible] de[illegible] [illegible] ac pro [illegible] co[illegible] atio [illegible] aut [illegible] *art 2.*

[illegible] Authori permit [illegible] M[illegible] te o[illegible] [illegible] que audio poſt conceſſionem *Pij V.* qua pa[illegible] teſt G[illegible] neralis Fratrum Minorum licentiam fa cere ſu[illegible] ub[illegible] c[illegible] b[illegible] a[illegible] per[illegible] lo[illegible] te[illegible] S[illegible] IV. [illegible] a po[illegible] c[illegible] FF M[illegible] e[illegible] c[illegible] tem[illegible] us b E[illegible] ce[illegible] brare lic[illegible] um c[illegible] ibus hori[illegible] S[illegible] a ho[illegible] e, & o[illegible] dem [illegible] eſt m[illegible] ratio nab[illegible] o[illegible] M[illegible] ſſam fi[illegible] e. S[illegible] enim in[illegible] v[illegible] m cōcedant vl[illegible] com[illegible] q[illegible] tum e[illegible] m ve[illegible] a ſo[illegible] *to. q 43 art 1 2 & 3.*

E[illegible] *Leonis* X. colligit A[illegible] F[illegible] [illegible] inſtante ne ce[illegible] ante Officium Matutinum recitatum M[illegible] facer[illegible] *art*

N[illegible] *Conc Trid ſeſſ 22. in Decreto de obſeruandis & vitandis in Miſſa,* fa[illegible] tem [illegible] ius fac[illegible] m [illegible] ribu M[illegible] celebrandi in alta[illegible] i po[illegible] ri[illegible] or[illegible] [illegible] atcis, & i[illegible] omni loco honeſto, [illegible] uam[illegible] iu non contradicunt Epiſcopi; ſed h[illegible] t[illegible] n[illegible] um id prohibendi authoritatem c[illegible] eſt. *art 4 &*

N[illegible] poſſu[illegible] Epiſcopi præcipere populo, vt in F[illegible] ſtis & Dominicis aſſiſtat M[illegible] ſſæ parochiali, cum præcepto de aud[illegible] ēdu S[illegible] cro ſ[illegible] f[illegible] ciant ſæ culares in Eccleſijs Regularium licèt valeant quæ da opportuna præcipere, vt q[illegible] o[illegible] R[illegible] gu[illegible] ares an nuncient feſta & ieiunia. *Ex Conc. Trid vbi ſup. & art 7*

Nequeunt FF. Minores poſt Bullam *Pij V.* in principio M[illegible] ſſal[illegible] vti priuilegio, quod priùs habebant, [illegible] ēdi & minuendi in precibus & c[illegible] remonijs M[illegible] ſſalis Romani, nec prætermittere ordinem & ritum in eodem conſtitutum, abſque rationabi[illegible] cauſa; vnde in diebus duplicibus non poſſunt dicere d. *Requiem*, ſed de Officio compe tenti: & [illegible] hoc [illegible] c[illegible] ter adimplent promiſſas in[illegible] aurem ſemiduplicibus debent pro miſſum Offic[illegible] m [illegible] e, quia vtilius, & c[illegible] tus oratio[illegible] r[illegible] ctiu mouet Deum ad impetran dum *art 8 & 9.*

F[illegible] dicere quantitatem M[illegible] ſſarū, v. g. S[illegible] Gregorij, [illegible] ſa[illegible] dicendo triginta Miſſas ac Officio occurrente Imo diebus Domi nicis, & [illegible] ibus tenetur ſequi Officium dici, quod non minus prodeſt defuncto [illegible] tunc enim v[illegible] ctu applicationis, per deuotionem San cti, & F[illegible] ſupple[illegible] *art.* [illegible] o.

Neque [illegible] obligat, quin ob de cc[illegible] ho[illegible] eſtatem & reuere[illegible] m S[illegible] a[illegible] p[illegible] ætem[illegible] *ibid.*

M[illegible] qu[illegible] c[illegible] M[illegible] Virgine M[illegible] Sabbato[illegible] de[illegible] x, de roga[illegible] & d[illegible] defuncto[illegible] cenda,

ton[illegible], præſertim pro Miſſa [illegible] principali. *art* 11.

Cum [illegible] Eccleſiæ Collegiatæ, non [illegible] Monaſteriorum, ſi [illegible] quando [illegible] diem [illegible] dicatur Miſſa [illegible] de [illegible] & altera de Feria, ſatiſfaciunt [illegible] Regularium [illegible]. [illegible] Cæremoniali Ordinis Minorum [illegible] Congregationis Generalis Toletani pro Eccleſijs [illegible] Ordinis *art* 12.

Abbates & Generales Ordinum [illegible] in ſuis Capitulis generalibus moderari & [illegible] numerum Miſſarum ante *Conc. Trid.* fundatarum; & ſtatuere quidquid ad gloriam Dei magis viderint expedire *Ita Concil. Trid. ſeſſ.* 25 *de Reform. cap.* 4. [illegible] tamen [illegible] fieri [illegible] defunctis, [illegible] commemoratione [illegible] etiam collectas pro defunctis, quas nihil vetat etiam in diebus ſolemnibus addere *art* 13.

MONASTERIVM.

Vide Alienatio, Alimenta, Ædificia, Hæreditas, Paupertas.

AD ingrediendum Monaſteria Monialium, [illegible] requiruntur, & cauſa moraliter neceſſaria, & proprij Superioris licentia in ſcriptis obtenta; Epiſcopi quidem pro Monaſterijs ſibi vel immediate Sedi Apoſtolicæ [illegible]. Abbatis vero, aut [illegible] Regularium [illegible]. Poterit [illegible] committere Abbatiſſæ, vel Moniali [illegible] ſaris, ut ſe in [illegible] repentinis [illegible] valeant, & [illegible] non [illegible] Abbatiſſa [illegible] voluntate Superioris Medicos, Chirurgos, Carpentarios & alios quorum opera [illegible] egent Moniales, admittere *tom* 1. *q.* 46 *art* 2.

Nullus [illegible] facienda [illegible] ad interiora Monaſterij Monialium Sanctæ Claræ [illegible] Regulæ [illegible] *Conc. Trid.* [illegible] Minorum [illegible] Cardinalis [illegible] authoritate [illegible] Minores [illegible] nisi de [illegible] in [illegible] mentio [illegible] *art*. 3.

[illegible] ſicut cauſa moraliter [illegible] interveniente [illegible] cum [illegible]

ria & [illegible] ſeipſis *artic*. 5.

Nam ſecundum æquitatem neceſſitas moralis (iudicio peritorum) excuſat ab omni præcepto Eccleſiæ. *art*. 4.

Poſſunt Prælati facultatem concedere mulieri [illegible] ingrediendi & manendi intra ſepta Monaſterij, [illegible] tribus aut quatuor puellis, ſi [illegible] periculo abſque ſuæ famæ diſpendio [illegible] & [illegible] puellas minores [illegible] gratia *Ex Concilio Tridentino, ſeſſ.* 25 *de Regular. cap.* 22. Quod [illegible] Sanctæ Claræ, & Conceptionis [illegible] iam non eſt in uſu: nam [illegible] ad Nuntium Apoſtolicum *art* 6.

Charitas, aut maior Dei honor eſt [illegible] cauſa ad [illegible] ſæculares [illegible] pro ſeruitijs [illegible] Communitatis, aut [illegible] maturum [illegible] intra clauſuram non [illegible] Monialium, quæ non [illegible] Eccleſiæ [illegible] obligantur ad clauſuram, ſed etiam earum, quæ ex Regula, [illegible] Claræ, [illegible] Conceptionis profeſſas ad ſupradicta exequenda non ſolent [illegible] introductæ e Monaſterijs [illegible] prohibentur. *art* 7.

Plures quæ [illegible] Cardinalium decernentes, [illegible] & [illegible], & quibus [illegible] recedere, ut non [illegible] Monaſterij [illegible] præcepto [illegible]

[illegible] communicatione [illegible] Mo[illegible] committere, quem [illegible] etiam [illegible] quæcumque [illegible] ptione [illegible] Monaſterij [illegible] ex cauſa neceſſitatis [illegible] *quæſt.* 47 *art* 1.

Excuſantur tamen qui bona fide, oblivione, aut [illegible] præſumptione, & dolo [illegible] *art*. 2.

Et ad [illegible] communicatio [illegible] admittere, [illegible] Superiores [illegible] Conventuum [illegible] ſingulas [illegible] Conventus [illegible] *art* 3.

Per *Concilium Tridentinum* videtur [illegible] Monaſterij Monialium Sanctæ Claræ, [illegible] Ordinis [illegible] *art* 6.

[illegible]

Neque etiam Confeſſor pro renouando Euchariſtiæ Sacramento intrare; poteſt tamen cum ſocio, indutus Sacerdotalibus pro excipienda Confeſſione, & Communione danda infirmis, non tantùm per modum viatici, ſed etiã omnibus ijs diebus, quibus ipſæ ex Regula tenentur recipere. Item pro iuuanda iam morti proxima, in die funeris ad exequias celebrandas, & ſepulturam aperiendam, etiam pro ſæculari. *ar* 4.

Præterea *Greg.* IX etiamſi conceſſit liberam ingrediendi facultatem Fratribus earum obſequijs deputatis, pro exercendo opere, quod commodè extra Monaſterium fieri non poteſt. *ibid.*

Vrbanus IV. prout continetur in ipſarum Regula, declarauit licere Generali Fratrum Minorum intrare, quandocumque intus celebrare, aut verbum Dei proponere voluerit, cum quatuor aut quinque Fratribus. Et Viſitatori cum duobus ſocijs ad tenendum Capitulum, vel aliquid ſimile agendum, quod munus proprium tangat, & commodè de foris fieri non poſſit, v. g. ad videndum num clauſura periclitetur *art.* 7.

Fratres Minores ex ſpeciali conceſſione *Leon.* X. inuitati a Prælatis Monialium, licitè cum eis clauſuram ingrediuntur, obtenta tamen licentia Superiorum, ſi ſint ſubditi. *art* 8.

Sub excommunicatione *Pij* V. *in Bulla inhibitoria*, ne mulieres etiam Duciſſæ præſumant Monaſteria virorum intrare, non comprehenduntur Reginæ, Regum filiæ, & Princeſſæ, quæ libere id poſſunt. *quæſt.* 48. *art* 1.

Neque Fratres, qui mulieres ſin, licet non exceptas, ſine dolo, per inaduertentiam, & ignorantiam admittunt *ibidem*

Poſſunt quælibet mulieres clauſtra Regularium ingredi pro Miſſa, Concione, alijſque diuinis Officijs audiendis, ſi aliunde in Eccleſiam commodus non pateat acceſſus. Item quando fiunt Proceſſiones, aut ſi ſecum cadauera ibi ſepeliuntur, vel pro eis fiunt ſuffragia; neque neceſſe eſt ſtatim ijs finitis eas expellere, ſed tantum tempore moraliter congruo: attendant tamen Superiores ne alias officinas interiores ingrediantur, nec mandent vt aliqua Proceſſio extraordinaria fiat, vt illius occaſione poſſint mulieres dicta loca intrare, quo tamen caſu neque ab ingredientibus, neque ab admittentibus, excommunicatio [illegible] aut prædictæ conſtitutionis pœna incurreretur *art.* 3.

Inſpecta iuris communis diſpoſitione, Regulares Canonici habitantes extra clauſtrum non poſſunt [illegible] modo vetitum [illegible] mulierum, ſicut [illegible] alij Religioſi, [illegible] ſi habitent domos [illegible] iunctas clauſtro contiguas. *art.* 4.

Moniales, etiam [illegible] Pſche[illegible] contraueniente Bulla *Pij* V. [illegible] excommunicationi Papali ipſo facto [illegible] priuanturque dignitatibus, & officijs [illegible] ad ea in poſterũ obtinenda [illegible] etiam excommunicatione [illegible] ſtarum fautores, & receptatores in hoc [illegible] q. 49 *art.* 7.

Eugenius IV. præcepit, vt porta clauſuræ Monialium [illegible] vnius clauem habeat Abbatiſſa, [illegible] alius clauem conſeruet Superior aut Confeſſor. Et *Greg.* XIII. *in ſua conſtitutione* prohibuit ne habeant oſtium per quod ex Monaſterio [illegible] ad eccleſiam communem ſæcularium *art.* 1. & 7.

Poſſunt Prælati in certis caſibus iure, & Regula Sanctæ Claræ expreſſis, dare licentiam egrediendi, hi autem ſunt tres præcipui. Primus eſt, ineuitabilis & periculoſa neceſſitas, vt mortis violenter imminentis ab igne, aqua, hoſtium incurſu, & ſimilibus caſibus, in quibus etiam tenentur Moniales egredi cum licentia præſumpta, ſi abſit Superior, & periculum ſit in mora, ne ſui ipſius interfectrices dicantur. At ſi periculum mortis ſit ex ægritudine, cùm talis mors non ſit violenta, ſed naturalis, non tenentur egredi, neque Prælati licentiam facere, præſertim eis quæ ſunt profeſſæ clauſuram. Secundus eſt, lepræ, epidimiæ, & ſimilium morborum nociuorum toti communitati. Tertius, quando vel in totum, vel in partem eſſent tranſferendæ in aliud Monaſterium reformandum, aut de nouo erigendum. Et quandocumque cum licentia egrediuntur, debẽt alibi in loco opportuno manere incluſę ad tempus ſufficiens tantum *art.* 2. 3 4 & 5.

Quilibet Monachus de iure communi licitè egreditur Monaſterium cum facultate Superioris, etiam conuentualis, cum cauſa ab ipſo Superiore iudicanda; de iure autem ſpeciali maior cauſa requiritur, v. g. pro Carthuſianis. Erit autẽ peccatum mortale, frangere clauſuram, quæ de iure communi Regulares obligat quando cum contemptu Regulæ, profeſſionis, & transgreſſione præcepti ſpecialis Superioris, notabili ſcãdalo, aut damno notabili Monaſterij e clauſura violatur, aliàs non. q 50 *ar.* 1. Excuſatur tamẽ a culpa mortali [illegible] accedere ad Superiorem, quaſi appellãdo a grauaminibus [illegible] Prælatis inferioribus, cum [illegible] detentis ſit de iure naturali *art* 2. & *quæſt* [illegible] 9 *art* [illegible] q. [illegible] *art* 3.

Pius V. ſtatuit, vt [illegible] vnaquæque prouincia Fratrum Minorum de Obſeruantia, ſint ad minus

[illegible]us duo Monaſteria R[illegible]co' ecta, ex [illegible] Prouinciali Fratres extr[illegible]here nequeat abſque cauſa. *tom.2.q.*[illegible]o.*art* 11.

Monaſteria etiam exempta, ſunt t[illegible]ritorij Epiſco[illegible], non Prælati Regular[illegible]s, v[illegible]de ſine eius licentia ædificari nequeu[illegible] eſt, quòd E[illegible]ſcopus in Proceſſione ingr[illegible] n Monaſte[illegible]um etiam exemptum, debe[illegible] [illegible]dere Prælatum, licèt ſit Gener[illegible] to[illegible]u[illegible] O[illegible]is *tom* 2.*q* 6[illegible], *art* 1.

Mon[illegible]ſteria [illegible] bona in communi, ea infeudare [illegible]ſſunt, [illegible]que ca[illegible] acta va[illegible]llorum, & iur[illegible], *tom* [illegible] *q* 79 *art.* 12. *Vide Vaſſalli.*

Mo[illegible]aſteri[illegible]m [illegible]er h[illegible]ionem iuris, [illegible]etate[illegible]n, & fauorem [illegible] g[illegible]onis intendentis, habetur lo[illegible]o ſi[illegible] *q* [illegible]8 *art.*4.

Monaſterium ſuccedens in feudo poteſt conueniri coram dom[illegible]no f[illegible]di in ca[illegible]ſa fe[illegible] [illegible]ſuper proprietate, quam ſuper poſſeſſione, quia hæc cauſa eſt ciuilis, non autem in ca[illegible] criminali, aut ciuili ex delicto prouenientes hæc enim debet remitti ad Iudicem Regularem ipſiu[illegible] Monaſterij, vt tr[illegible]dunt *Innocent & alij* In cauſa autē maioratus nuſquam ad Iudicem [illegible]ularem trahi poteſt. *q.*63.*art.*10.

Neq[illegible] conueniri coram Iudice ſæculari, niſi in temporalibus, in quibus [illegible]ciè reconueniatur coram eo ſæculari, coram quo alium ipſe conuenit. *art* 11.

E[illegible] pro[illegible] ſtenſione teſtamenti, in quo Monaſteriu[illegible] a [illegible]o [illegible]æres inſtituitur, ſi v.g. vult ſe opponere & [illegible]tradicere teſtamento, *art.*12.

Ad tolle[illegible]d[illegible]s ſcrupulos *Leo* X declarauit Fratres Mi[illegible]ores [illegible] habitare ſumptuoſa Monaſt[illegible] con[illegible]ruct[illegible], q[illegible] etiam *Clemens* V. inhibuerat ſub excommu[illegible]nicatione relinqui, ſine licentia Sedis Apoſto[illegible]icæ *to.*3. *qu.*5 *art* 1.

Fratres deputati [illegible] Monaſteriorum Sāctæ Claræ, nequ[illegible]unt habere adminiſtrationem temporal[illegible], q[illegible]rum ſunt incapaces; ſed tantùm ſ[illegible]. *art.* 2.

Bo[illegible]a M[illegible] deſtr[illegible]cti ſunt transferenda ad illud, ad quod Monachi ſunt translati. *artic.* 4. & 6.

MONACHVS.

Monachi nomen ſolitarium, & quid triſte ſig[illegible]ficat; v[illegible]de [illegible] quo[illegible]dam reos cum Monachis [illegible] M[illegible]m det[illegible]u[illegible]it, quaſi in honeſtum carcerem, & locum pœnitentiæ. *tom.* 2. *q.* 23 *art* 7.

Mon[illegible]chatus non præſupponit Clericatum, aut idoneitatem ad i[illegible], vt ſu[illegible]ponit ſtatus Canonico[illegible]um Regularium *quæſt.* 52.*art.* 5.

Cœ[illegible] Monachatus, qua[illegible]do olim cœperunt aliqui ſo[illegible]tariam vitam agere, qui poſtea in Co[illegible]greg[illegible]tionem ſe co[illegible]g[illegible]unt à conſortio hominum ſeparati, nunquam tamen po[illegible]uerunt [illegible] o[illegible]ium [illegible]er ſe conſtituere, licèt e[illegible] A[illegible] [illegible]mpe[illegible] h[illegible]rit poteſtatem in eos quo[illegible]d R[illegible]gulæ obſeruantiam. Vnde antiquitus omn[illegible]s Re[illegible] [illegible]iam qui modò ſunt exempti, ſub[illegible] non mi[illegible]us quàm alij Clerici Epiſco[illegible] [illegible] velut[illegible] Generales in ſuis Diœceſi[illegible]. *q.*[illegible]4 *art* 1.

Mon[illegible] [illegible]es aliquid in communi poſſi[illegible] mo[illegible] [illegible]de[illegible] reputa[illegible]ur morte ciuili, ſe[illegible] q[illegible]um, ſcilicet quoad ea q[illegible] ex[illegible]; vnde non perdi[illegible] ius ac[illegible]d, nec p[illegible] in[illegible]m nobilitatem reſpectu ſæcularium; re[illegible]n[illegible] etiam ad vitam maioratū, non autem Marchionatum, Comitatum, &c. *q* 79.*art.*12.

MONIALIS.

Vide, Illegitimus, Miniſter Prouincialis, Monaſterium, Paupertas, Protector, Statutum.

Eugenius IV. conceſſit Monialibus primæ Regulæ Sanctæ Claræ, quæ alias Collectineæ dicu[illegible]tur, vt non teneantur incedere nudis pedibus, ſed portent deferre ea quæ nomine calceamentorum non cenſe[illegible]tur, atque etia[illegible] opportunum fuerit, calceamenta. Item quòd Generales & Prouinciales Fratrum Minorum Obſeruantiæ habeant cum D[illegible]iſcretorum con[illegible]o facultatem diſpe[illegible] cum pr[illegible]is Monialibus tam in cibis, quam in [illegible]tio, & qu[illegible]cumque alijs præceptis, q[illegible] præceptis, R[illegible]gula continentur. Voluit denique & declarauit [illegible]òd in nullius præceptorum Primæ Regulæ S[illegible] Claræ tranſgreſſione, præterquam eorum quatuor, quæ concernunt principalia vota, ſcilicet obedientiæ, paupertatis, caſtitatis, & clauſuræ, ac ſuper electione Abbatiſſæ, & [illegible] de[illegible]ſitione, peccatum mortale præſtitæ Moniales incurrant. *tom.*3.*q* 6. *art.*4.

Et *Sixtus* IV. prædictis conceſſit, quod poſſint abſolui à Miniſtris, ſeu Viſitatoribus, & ſuis Confeſſoribus, ab omnibus [illegible], pœnis, & cenſuris etiam Sedi Apoſtolicæ reſeruatis, quoties opus fuerit, & quòd ipſæ & earum Nouitiæ poſſint promereri omnes Indulgentias almæ vrbis, viſitando ſuas Eccleſias. *ibidem*

Et his omnibus priuilegijs Collectaneæ indultis etiam commu[illegible]icant Vi[illegible] aniſſæ ſub cura Fratrum Mi[illegible]orum Obſeruantiæ [illegible]. *Ex conceſſ S*[illegible] *V. ibidem.*

Clariſſæ ex priuilegio *Clementis* VII. [illegible] reſer-

reſeruant in ſuo choro ſacram Euchariſtiam. Et Leo X. iam [illegible] Conceptionis B. Mariæ, & cæteris Ordinis S. F[illegible] permiſit, vt præceptoRegulæ de percipiendo [illegible] Sacramento ſatisfaciant, per aliquot dies anteponendo, vel poſtponendo, dum tamen illud in fraudem non faciant. *art. 4.*

Præ[illegible] etiam, necnon Fratribus, qui, vel quæ propter [illegible] nequeunt [illegible] ſum diu[illegible] Clemens VI. [illegible] ex iudicio & licentia Prælati Confeſſoris, vel Abbatiſſæ ipſarum, tentando officium laicis commune, ſatisfaciant obligationi. Et Leo X. decreuit, non ſemper teneri pias Moniales, etiam ſanas, officium in choro perſoluere, ſed hoc diſcretioni Abbatiſſarum commiſit. *art. 6.*

Moniales debent procurare, vt in ſuo Conuentu quotidie dicatur Miſſa Conuentualis, ſi commode fieri poſſit, eamque, ſi de eleemoſynis viuant, viuis & defunctis applicare *art. 7 & 8.*

MVLIERES

Honeſtis quibuſdam mulieribus poſſunt Mendicantes dare mantellum [illegible], aut alium ſui Ordinis habitum Regularem: & hæ, manentes in ſuis domibus particularibus, emiſſo vel non emiſſo voto continentiæ, gaudent omnibus priuilegiis Fratrum quoad abſolutiones, & indulgentias, ſed non quoad exemptiones. In Ordine tamen Minorum limitatus eſt vſus concedendi ſimilem habitum, in conſtitutione generali Toletana, ita vt ſine licentia Generalis, aut Commiſſarij, dari nequeat. *tomo 1 q 7 art. 1. & 2.*

NOTARIVS

Vide Index

Superiores Regulares, quibus conuenit aliquos proceſſus fulminare, ſuis idcirco creant ad certum tempus, & certa negotia Notarios, non poſſunt tamen perpetuos, præcipue [illegible] cauſis [illegible] extra Ord[illegible] Sed Mendicantes [illegible] Pio V [illegible] Prædicatorum [illegible] poſſunt [illegible] ſui Ordinis Fratres [illegible] mandat [illegible] publicam [illegible] Notarios [illegible] Sanctitate, R[illegible] *tom 3 q 8. art. 1.*

NOVITIVS

Quid recipiendum

Vide Priuilegium, Profeſſio, Receptio Nouitiorum, S[illegible]

R[illegible] Nouitiorum in Ordine Minorum, [illegible] ad Miniſtros Prouinciales non autem ad eorum Vicarios, niſi eis expreſſe fuerit commiſſa, ſi [illegible] & alij committi poteſt, ex declaratione Nicolai III eaque Prouincialium poteſtate a Miniſtro Generali reſtringi poteſt. Quod & verum eſt in alijs Ordinibus ex iure, niſi alius eorum ſtatuta decernant. *tomo 3. quæ. 9. art 1.*

In Ordine Sanctæ Claræ, Nouitiarum ad religionem, vel profeſſionem receptio ad ſolum Prouincialem aut Viſitatorem pertinet, in alijs autem, ad earum Superiores. *art. 2*

De examine.

Examen neceſſarium ad Nouitiorum receptionem ſecundum conſtitutiones vniuſcuiuſque Ordinis, olim *Sixtus* V. mandauit fieri, & approbari ante veſtitionem. [illegible] *Greg.* XIII. pro Ordinibus Monachorum in quibus eſt perpetua ſilentio, ad ſummam iam inquiſitionem reſtrinxit ad quam [illegible] teſtes ſufficiunt, ita tamen vt plenaria fieret ante profeſſionem.

Clemens autem VIII. ne aliqui deterrerentur ab ingreſſu propter illam prætiam examinationem, conceſſit Ordini Prædicatorum & per communicationem alijs, vt ad veſtitionem ſufficiat iuramentum ipſius Nouitij de conditionibus neceſſarijs. *quæſt. 9. art 1.*

Quomodo examen [illegible] fit fiere [illegible] tempore [illegible] a [illegible] & quatuor Diffinitoribus, vel a G[illegible], & quatuor Diſcretis loci [illegible] ſi eis commiſerit Miniſter Prouincialis, *vide art. 2.*

D[illegible] autem ex [illegible] examinandi [illegible] homicidij, furti, latrocinij, & ſimilium criminum 3. [illegible] æris alieni ſupra [illegible] & 4 de obligatione reddendi rationem. *art. 5.*

V[illegible] Summus Pontifex fecit valde rigo[illegible] non [illegible] aut ignorantia nitentes ad [illegible] legitimis, [illegible] & debitis [illegible] illos [illegible] quocumque [illegible] *q. 4 art. [illegible]*

Sed [illegible] & ad [illegible] communis [illegible] *Greg* XIV. *Clemens* VIII [illegible] Patres [illegible] merita, vt de [illegible] ſuſtineant. & licet admittentes aliquos ex [illegible]

non

non adeò præſtantes, vt eorum conditio defectū natalium ſuppleat, peccent, nullam tamen incurrunt iregularitatem, nec eorum profeſſio irritatur: ſicut irritatur ante generalem quod filios naturales. tit. eod. & qu. 11. art. 4. & 5.

Profeſſio homicidæ & criminoſorum iure irritatur ſi ante ingreſſum Iudex ſæcularis proceſſum inchoarat, ſiue per viam accuſationis, ſiue inquiſitionis: ſecus ſi poſt ingreſſum, vel ſi planè abſolutus fuerit. art. 7.

Qui vouit Religionem ante commiſſum crimen, ne potuit votum implere, etiam poſt inceptum proceſſum poteſt fieri Religioſus, & ei id iuramento aſſerenti credendum eſt art. 8.

Grauatus ære alieno ſupra vires facultatum ſuarum, ſi ad ſoluenda debita ſua lucrari poſſit ſua induſtria, viribus, arte, vel alio honeſto munere, neque licitè, neque validè profitetur, ſi tamen verè impotens ſit ad ſoluendum per infortunium, cedendo bonis ſatisfaciat; ſicut & ſi creditores tam rigoroſi eſſent, vt eum in carcerem coniicerent, in quo lucrari non poſſet pro ſolutione facienda. art 9.

Qui virginem ſpe futuri matrimonij decepit, tenetur ſatisfacere eandem dotando ſecundum illius conditionem, priuſquam ingrediatur. ibidem.

Iberdenſes, qui vt admittantur in certa collegia, iurant ſe poſt tot annos ituros in Angliam, Iſlandiam, &c. & fidem prædicaturos, non obſtante iuramento, poſſunt fieri Religioſi. art 10.

Obnoxius reddendis ratiociniis ex adminiſtratione Reip. vel priuatæ perſonæ, ſi inde lis, aut moleſtia illata, aut probabiliter inferenda ſit, eſt de iure incapax profeſſionis art. 11.

Hoc examen, & informatio ſuper prædictis defectibus non requiritur in minoribus ſedecim annis; nec in iis qui à ſua patria longiſſimè diſtant; nec denique in Religioſis migrantibus ad alium Ordinē, aut in Nouitiis Monialium. art. 13.

De qualitate.

Vide Deſcendentia Illegitimus.

STatutum prohibens recipi neophytos ad Religionem non inualidat profeſſionem, niſi ſit Apoſtolica authoritate confirmatum; quia alias eſſet contra ius commune, atque adeò non eſſet validum. Iuſtum eſt tamen illud, quod præcipit expellere deſcendentes ex Iudæis, & Saracenis, iuſtis id cauſis exigentibus, & non odio generis, etſi non fiat authoritate Apoſtolica; quamquam valeat eorum profeſſio facta. qu. 11. art. 1.

In Ordinibus Minorum & Minimorum, ex *declarationibus Pauli III. & Gregor.* XIII. profiteri non poſſunt, qui deſcendunt ex Iudæis, Saracenis, aut hæreticis, quorum aſcendentium parentum corpora aut ſtatuæ vſque ad quartam generationem incluſiuè, in vindictam fidei concremata ſunt. Et in Ordine Minorum, etiam illi, qui nouiter fidem ſuſceperunt. art. 4.

De ætate.

IVuenes adhuc impuberes, qui non poſſunt per ætatem legitimam profiteri ſiniſto anno, ad Religionem admitti aliqui probant alij melius improbant, conſiderata iuuenum huius temporis malitia. Certum eſt tamen poſſe eiuſmodi Nouitios, & Nouitias à parentibus, & tutoribus extrahi, antequam ad annos pubertatis peruenerint, qui ſunt quatuordecim in filiis, in filiabus duodecim completi. q 13. art. 1.

Puellæ minores duodecim annis, conſentientibus parentibus ac tutoribus, non autem iiſdem repugnantibus, recipi poſſunt, non vt Nouitiæ, ſed vt puellæ deuotæ educationis gratia, licet habitum aliquem Regularem ferant, neq; id prohibet *Conc. Trid ſeſ. 25. de Regul. c. 17.* art. 2.

Senes recipere ob multas cauſas non decet; abſolutè tamen licita eſt eorum receptio, præſertim ſi magna inde populi ædificatio ſequatur. art. 3.

De vxoratis.

MAritus, qui ſine licentia vxoris Religionem ingreditur, reuocari poteſt, niſi probet adulteram; item ſi vi, vel metu conſentiat; ſecus eſt, ſi ſponte anus conſenſerit; aut iuuenis caſtitatis votum emiſerit. Si tamen iuuenis abſque tali voto ſimpliciter conſenſerit, poteſt Epiſcopus maritum compellere, ad cohabitandum cum ea. qu 13 art. 1.

Quia etiam ſi ſine licentia vxoris ſe, & ſua bona Monaſterio tradiderit, & reuocetur, prædicta bona erunt reſtituenda, ibidem.

Vxor dans ſimpliciter marito licentiam, non cenſetur ipſo facto vouiſſe caſtitatem, quia præſumitur neſcia iuris; ſecus ſi eſſet antè edocta, quia tunc cenſeretur votum conditionale emiſiſſe, v. g. ſi maritus profiteretur. art. 2.

Maritus reuocatus ab vxore poſt profeſſionē ipſa contradicente emiſſam, poſt mortem vxoris tenetur redire. Quòd ſi rurſus contraxerit, tenet quidem matrimonium, ſed peccabit, nec tenebitur redire, ſecus ſi non contradixerit. art 3.

Marito Nouitio exiſtente contra voluntatem vxoris, poteſt etiam ipſa ingredi Monaſterium contra conſenſum illius; nec poterit ab eo reuocari, niſi ſemel egreſſus cum illa cohabitauit: tunc enim illo non conſentiente minimè licebit illi ingredi. ibidem

Sponſa ante conſummatum matrimonium Religionem ingreſſa, ante Concil. Trid. intra duos menſes poterat emittere profeſſionem, at poſt illud nequit: eſt enim expectanda ætas ſedecim annorum & annus probationis, ante quem elapſum profeſſio eſſet irrita. *art.* 4.

DE LIBERTATE.

Licè laudabile ſit inducere ad Religionem tenerum, non tamen inducere ad vouendum Religionis ingreſſum, ob periculum communiter imminentis ſtolidum. *q* 14. *art.* 2.

Ex Conc. Trid. anathematizantur, qui mulierem cogunt ad ingrediendum Monaſterium, vel ad ſuſcipiendum habitum, vel ad profeſſionem emittendam, & ſimiliter qui ea facere volentem ſine iuſta cauſa impediunt. Quæ intelligenda ſunt effectu ſecuto *art.* 3

Qui autem cogit virum ad illa vi, fraude, aut importunis precibus, licèt peccet, non tamen excommunicatur, ſed bene excommunicationem Papalem incurrunt, qui impediunt ingreſſum, aut iam indutos extrahunt, vel eos recipientibus iniuriam irrogant; dum tamen non deſtiterint à prædictis, poſtquam indulti *Eugenij* V. & Sixti Benedicti is notitiam habuerint. *art.* 3.

Nouitius ſimoniacè receptus, vbi ſciuerit ſe ob donum receptum, tenetur habitum dimittere: nam Prælatus etiamſi prædicto dono ſecundario dumtaxat fuerit motus, in hominibus in foro fori ſimoniacus cenſebitur, quamuis ſi illud tanquam eleemoſynam principaliter propter Deum oblatam receperit, in foro conſcientiæ ſit tutus, licèt minus principaliter reſpectum habuiſſet ad habitus dationem. to 3. q. 63. *art.* 2.

Auertens iuuenem a Religione, vel iam profeſſum extrahens, licet grauiter peccet, nō tenetur tamen de præcepto ire, aut alium dare Religioni, cum neceſſaria libertas ad vouendum requiratur *art* 4.

In illis tantum locis ſunt Nouitij educandi, in quibus viget obſeruantia Regularis, vnde peccant inducentes aliquem ad Religionem, vbi eſſentialia Regulæ non ſeruantur, quamuis Eccleſia eam toleret, ad vitandum maius malum. *Ita Caiet. art* 5.

De anno probationis.

Secundum iura antiqua maſculus cōpleto 14. ætatis anno, mulier 12. ad profeſſionem admittebantur, & ante annum probationis in Religione expletū, accedente Nouitij voluntate, & iuſta cauſa interueniente cum conſenſu Prælati & Communitatis. Sed poſt *Conc. Trid.* id non licet ante annum probationis expletum, & 16. ſuæ ætatis alias irrita eſt profeſſio. *q.* 19 *art.* 1.

Annus Nouitiatus computandus eſt de momento ad momentum, ita vt materia [illegible] profiteri poteſt ipſo die quo annus finitur *art.* 4.

Neque intelligendus eſt iſte annus eſſe ſolaris, ſc. 365. dierū, & 6. horarū, cd [illegible] in anno Biſſextili duo dies pro vno habentur. *art* 5.

Conceſſum eſt a *Pio* V. Monialibus S. Dominici, vt Nouitia iudicio Medici ſtatim moritura, pro ſua conſolatione, & vtilitate ſpirituali ante annum completum probationis, modo ætatem ſufficientem habeat, profiteri poſſit in manibus Prioriſſę, & lucrari indulgentiam plenariā. Quę conceſſio omnino valida eſt, ſaltem quoad forū conſcientiæ. Eiuſmodi tamen Nouitiæ defunctę nequit ſuccedere Monaſterium, ſed eius parētes, qui ab inteſtato veniunt, quia eſt in fauorem ſpiritualem Nouitiæ, nō in præiudicium eorum qui veniunt ab inteſtato. *art.* 6.

Nemini licet renunciare iuri anni probationis, & profiteri, cum ſit ius publicum, cui nemo renunciare poteſt *art.* 7

Annus iſte iure cōmuni debet eſſe continuus, & non interpolatus, quamuis liceat interrumpature ex priuilegio *Iulij II.* ſi Superior id iudicet expedire, quod non videtur abſtuliſſe *Conc. Trid.* Et licèt in Ordine Minorum conſtitutiones Toletanæ id fieri prohibeant, non tamen intendūt vſum dicti priuilegij tollere: vnde iuſta ex gente cauſa poterit Prouincialis in ijs ſtatutis diſpēſare, quod tamen rariſsimè, aut certè nunquam eſt faciendum. *art.* 8

De eſſentia Nouitiatus eſt, toto anno geſtare habitum Regularem, *art.* 9.

Non tamen ſemper manere intra clauſtrum, modò egrediatur aut maneat de licentia ſui Superioris Quod intellige de viris; non autem de Monialibus, quæ ſi egrederentur, non ſatis experirentur rigorem Ordinis, qui maximè in clauſura conſiſtit *art.* 10.

Regularis profeſſus tranſiens ad alium Ordinem, debet in eo facere annum probationis: nā priuilegium *Leonis* X contrarium permittentis, iam per non vſum periit *art.* 11.

[illegible] profeſſionem Nouitium ante completum annum probationis, excommunicantur, nec valet eius profeſſio. Et eadem cēſura innodantur illi, qui toto illo anno impediunt, nē libere trāſeat ad aliū Ordinē, niſi maior 16. anno. profeſſionē expreſſam aut tacitam fecerit. *art.* 12.

De diſpenſatione bonorum.

Vide Bona, Donare, Dos.

Concilium *Trid. ſeſſ.* 25 *de Regul. cap.* 16, ſolum

an nulla obligationem inter viuos,& renunciationem bonorum intuitu Religionis factam ante ingreſſum;vel tempore Nouitiatus ante completum i... non ſecus, quia his contractus ſtatim priuantes Nouitium bonis, poſſent poſtea minuere libertatem; poteſt tamen ipſe Nouitius cauſa mortis teſtamentum condere, & dare ante 10 menſem,im.o & ante ingreſſum. *quaſt.16 artic.1.*

Teſtamentum factum ante Religionis ingreſſum ab eo, qui nihil cogitauit de tali ingreſſu, ſecuta profeſſione rumpitur quoad legitimā portionem Monaſterio competentem; ſecus eſt, ſi cogitauit, & ſcienter nihil reliquit Monaſterio,necante profeſſionem animum mutauit. *artic.2.*

Iam profeſſus in quocumq; Ordine nequit, ne quidem in fauorem Religionis,teſtamentū ante profeſſionem conditum mutare *art 3.*

Nouitius habens peculium aduenticium, cuius vſusfructus eſt patris,& proprietas filij, nullā habet de eo diſponendi quoad vſumfructum poteſtatem;poteſt tamē relinquendo patri proprietatem,illi g... auamen imponere. *art.4.*

Nouitius in Ordine Minorum non poteſt diſponere de legato annuo ſibi ad alimenta relicto;cùm non debeatur tale legatum ante diem præfixum,nec remaneat capax illius poſt profeſſionem,in alijs autem Ordinibus,in quibus Monaſterium capax illius dicitur ſucceſſor, alter ſententiarum; ſicut & ſi annui reditus non legentur pro alimentis in ſingulos annos,ſed diuidantur à teſtatore, exonerandi hæredis gratia. Et idem eſt iudicium de vſufructu,cuius liberam diſpoſitionem habet vbique Nouitius, cum ſit verum ius acquiſitum *art 5.*

Nouitij, cum non ſint verè Religioſi, nec pro talibus habeantur, non ſubijciuntur pœnis, aut reſeruationi caſuum *tom.1 q.2 art.11.*

OBEDIENTIA.

Vide Abbatiſſa, Beneficium, Clauſura, Epiſcopus, Exemptio quoad Superiores Poſſ..., Votum

OBedientia ſecundum D. Thom. eſt virtus moralis promptam reddens voluntatem,ad implendum voluntatem præcipientis. *tom. 3 q. 19. art.1*

Obligat in actibus exterioribus,& quibuſdam interioribus,qui ſubſunt exterioribus. v.g. Prælato præcipiente vt celebrans applicet talibus Miſſam,tenetur inferior parere. *art.2.*

Nemo tenetur obedire in his quæ nullo modò pertinent ad Obſeruantiam Regularē, dummodo non contemnat Superiorem, id eſt, non omittat obedire, ex eo quod non vult ei ſubiectionem præſtare. *art 3.*

Prælato præcipienti rem per ſe licitam, tenetur ſubditus obedire, etiamſi dubitet an Superior poſſit id præcipere; & multò magis quando ſcit Superiorem poſſe quidem id præcipere, ſed dubitat an ipſe in hoc teneatur ei obedire. *art.4.*

Non tamen ſi alia obedientia adferat ſubdito, aut alteri periculum, vel notabile præiudiciū temporale ſiue ſpirituale, in perſonis, rebus, honore, &c. *ibidem*

Obediens in his quæ ſcit, vel probabiliter dubitat eſſe mortalia, certus interim quod ceſſando à tali opere præcepto non peccaret, peccat obediendo, quia agit contra conſcientiam: ſecus eſt, ſi vtrimq; dubitaret de peccato, quia tunc vitandum eſſet maius malum. *art 5.*

Quando vtrimque par eſt dubium, & æquale periculum, deponenda eſt conſcientia, & obediendum, quia hoc eſt ſecurius, vt expreſsè declarauit *Leo X.* & in quodam noſtri Ordinis Decreto habetur, quòd in omnibus dubijs tenentur ſubditi obedire. *art 6.*

Probabile eſt, Fratres Minores miſſos à Superioribus ad Indos, non teneri, cùm Regula dicat: *Si qui voluerint,* & quia talis obedientia eſt moleſtiſſima, plena periculo corporis & animæ; aliud eſt de Ieſuitis, qui ad ſimiles peregrinationes ſpeciali ſe voto obligant. *art.7.*

Regularis etiam, præcipiente Superiore, non tenetur Epiſcoparum acceptare, cùm ille ſtatus excedat obſeruantiam promiſſam, in his tamen caſibus ſummo Pontifici obediēdum, vtpote cui cura vniuerſalis Eccleſiæ incumbit. *art.8.*

OBLATIO.

NOn poſſunt Epiſcopi, aut alij Eccleſiarum Prælati ſibi, aut ſuis Clericis applicare oblationes, quę fiunt in Eccleſijs Mendicantium, ſub excommunicatione lata à *Bonifacio* in fauorem Prædicatorum *tom 3 q.20. art. 1*

OBLATVS.

Vide Communicatio priuilegiorum, Teſtamentum, Votum.

ILle dicitur Oblatus in omni Religione, qui ſe, ſuaque offert dono perpetuo, ſed non profitetur Regulam, nec habitum ſuſcipit; & talis non eſt Religioſus, etſi fecerit Abbati votum obediētiæ, caſtitatis, & paupertatis, quia non facit ſolēniter ſecundùm Regulam aliquam Monachalē, nec incorporatur Religioni. *tom 3 q.21. art.1.*

Licèt Oblati offerantur ſeu præſententur Religioni per illam ſui donationem, poſſunt tamē ad aliam Religionem, etiam inuito Superiore,

tranſire, quia non intenderunt ſe aliter obligare. *art* 1.

Tales Oblati, cùm ſint perſonæ priuilegiatæ, vt alij Eccleſiaſtici gaudent, quoad abſolutiones & indulgentias, quibus Fratres Ordinis cut donantur, ſicut & Præzonitorem. Mſ... *ar.*3.

Oblati deferentes habitum Regularem aut Clericum, ſi ſe licet e Eccleſiæ ſæcu... obtulerint honeſte viuentes ſub obedientia Superioris, & diuinis obſequiis ... etiam dum cum vxoribus hab... gaudent, ... ergo fori adinſtar ... *art* 4.

OFFICIVM ORDINIS.

Officium in ordine, eſt adminiſtratio ſine præeminentia, vt Sacriſta.

Præpoſitura, eſt munus præcedendi.

Perſonatus, eſt præeminentia ſine iuriſdictione, vt Diffinitoriatus.

Dignitas, eſt administratio cum iuriſdictione, vt Guardianatus *tom* 1 *q* 25. *art* 9.

Officiis Vicarij Conuentus ſub Guardiano, Magiſtri Nouitiorum, & Confeſſarij Monialium, annexa eſt tantum iuriſdictio delegata. *q* 13 *art.* 21. *Vide Vicarium.*

Regularis priuari poteſt ſua Prælatione per ſententiam Iudicis propter aliquod delictum, quod licèt non ſit expreſſum in iure, eſt tamen aliquo graue in Religione, vt arbitrio grauium Religioſorum tali ſit pœna plectendum. *tom.* 2. *q* 26. *art.* 2.

Ordinum Mendicantium origo.

Licet omnes Religiones, quæ viuunt ex eleemoſynis ſecundum ethymologiam vocabuli, poſſint dici Mendicantes; illæ tamen, quæ ab initio hoc ſibi nomen vendicarunt, ſunt quatuor, ſcilicet Ordo Prædicatorum Beati Franciſci, Eremitarum D. Auguſtini, & Carmelitarum, qui propriè, & principaliter Mendicantes appellantur; quamuis aliqui eorum bona ſtabilia in communi poſſideant. Et his adiuncti ſunt per conſtitutiones Apoſtolicas, Ordo Minimorum, Seruorum Beatæ Mariæ, Ieſuatorum Sancti Hieronymi, & Societatis IESV, *tom* 1 *q.* 2. *art* 1

Ordo Prædicatorum initium habuit à Beato Dominico, qui ſuæ Regulæ approbationem obtinuit circa annum Domini 1216. Ex quo plurimi in Eccleſia Dei & ſanctitate, & ſcientia floruerunt, eſtque iam diuiſus in Conuentuales, & Obſeruantes. *art* 2.

Ordo Fratrum Minorum adinſtar Sanctæ Dei Eccleſiæ, pulcherrima varietate Congregationum, diuerſis exercitijs ad vnum finem tendentium decoratus. Authorem ſu. & inſtitutorem habet Seraphicum Patrem S. Franciſcum. Hic duas Regulas compoſuit pro Minoribus, quarum primam approbauit *Inno.* III. anno Domini 1210. ſecundam quam totus Ordo iam tenet, *Honorius* III. anno circiter 1224. Et iam in tantum numerum Fratrum, & Congregationem excreuit, vt ſub vno capite generali ſucceſſiuo ordine per Canonicam electionem a Sancto Franciſco deſcendente, ſint quatuor familiæ, ſcilicet de Obſeruantia, quæ floruit ex Conuentualibus anno 1414. Reformatorum, Recollectorum, & Diſcalceatorum. Sub eiuſdē Fundatoris inſtituto ſunt Conuentuales, Capuccini, Amadæi, Clareni, Albertinæ ſtæ, & Paſchaliſtæ, *art.* 3.

Ordinem Eremitarum S. Auguſtini ipſemet Auguſtinus inſtituit, ſed cum penè deſtructus eſſet per ruinas VVandalorum, fuit reparatus à quodam Sancto Guilielmo Duce Guaſconiæ circa annum 1157. à quo diu dicti Guilielmitæ; ſed deinde reformatus per quemdam Ioannem cognomento Bonum in Italia, ab *Alexandro* IV. confirmatus eſt ſub nomine Eremitarum Sancti Auguſtini Duæ ſunt in eo Congregationes, Conuentualium, & Obſeruantium, *art* 4.

Ordinis Carmelitarum Authores fuerunt deuoti quidam in monte Carmeli Beatam Virginem præcipuo honore colentes, in quibus Ioannes Patriarcha Hieroſolymitanus viuendi Regulam conſcripſit, ſed anno 1210 Albertus ſimiliter Patriarcha Hieroſolymitanus aliam eis commodiorem contexuit, quam *Honorius* III. confirmauit, & poſtea *Eugen* IV. aliquantulùm moderauit, præſertim quoad abſtinentiam carniū. Hodie etiam diuiſus eſt prædictus Ordo in Conuentuales, & Obſeruantes; ex qua demum Obſeruantia quidam vere zelatores anno 1558 primā Regulæ Obſeruantiam impetrarunt à *Greg* XIII. ſub nomine Fratrum Diſcalceatorum, degentes tamen ſemper ſub obedientia Prouincialis de communi Obſeruantia; ſed *Clem.* VIII. eis Generalem dedit ab omni alio independentē *art.* 5.

Ordo Seruorum S. Mariæ à ſeptem nobiliſſimis viris Florentinis in monte Seuerio prope Florentiam, monitu B. Mariæ mirabiliter cœpit, ac mirabilius propagatus eſt anno 1233. ſub *Greg* IX Virgineoque monitu hunc quem ferūt habitum, ac Regulā S. *Auguſtini* obſeruare cœperunt. Nomine verò Seruorum B Mariæ nuncupari ſunt à voce infantum, qui ſeptem ſupradictis eleemoſynam per ciuitatem quæritātibus

eroga-

exclamarunt: *Ecce Serui Beatæ Mariæ veniunt, date eleemoſynam.* Ordinem hunc Pater Nicolaus Peneſtanus [illegible] Conuentuales, & Obſeruantes diſti[illegible]t. *art.* 6.

Ordinis Minimorum caput, & fundator fuit inc[illegible]ytus S. Franciſcus a Paula, anno 14[illegible]0. qui ob multitudinem tam virorum, quam mulierum ad ſe confluentium Regulas tres inſtitu[illegible], vnam pro Fratribus, aliam pro Monialibus, & tertiam pro Tertiarijs ſeu Mantelatis, quæ confirmatę & approbatę fuerunt a *Sixto* IV. *Innoc.* VIII. & *Alexandro* V. *art* 7.

Ordinis Ieſuatorum Sancti Hieronymi, ſeu Clericorum Apoſtolicorum autho[r] fuit Ioannes Columbinus nobilis inter Senam[illegible] ciues, anno 1355. fuitq; per *Vrbanum* V. approbatus. Dicun[tur] autem Ieſuati, eo quòd [illegible] ferent ſemper ſanctiſſimum I[illegible] nomen in ore habere, & Sãct. Hieronymi (licèt militent ſub Regula Sancti Auguſtini) quia eum præcipuum patronum elegerint, ex conceſſione Alexãdri VI. qui eos vocari præcepit Fratres Ieſuatos Sancti Hieronymi. Exercent ſe maxime in viſitandis infirmis, & alijs manualibus operibus, ad vitandum otium. *art* 8.

Ordini Ieſuitarum initium dedit Beatus Pater Ignatius, ſuſcitatus à Deo in adiutorium ſanctæ ſuæ Eccleſiæ contra Lutheranos. In hoc Ordine alij ſunt ſolemniter profeſſi, qui propriè & irreuocabiliter ſunt Religioſi, [illegible] alij Scholares qui ſim[illegible] vota emiſerunt; de quibus dubium re[illegible], an ſint de Congregationis corpore, & [illegible] ſunt Mendicantes *art* 9.

Ordinum non Mendicantium origo.

ORdo Canonicorum Regularium initium habuit ab ipſis Apoſtolis, quorum tamen Congregatio fuit a B. Auguſtino regulariter ordinata, [illegible] habitu. Hi [illegible] dicuntur Canonici [illegible], eo quod a Gelaſio diſ[illegible] Diui Auguſtini, [illegible] a *Bonifacio* VIII. per o[illegible] gentos annos [illegible] Eccleſia habitarunt; & [illegible] ex eo tempore [illegible] nomi nium perdiderunt, [illegible] tamen & priuilegia non amiſerunt. *q.* 3 *art* 1

Sunt a[illegible] Canonici Regulares qui [illegible] dentur reformati, [illegible] rum reform[illegible] extra vrbem, ed [illegible] translati ſunt intra, [illegible] Eccleſiam Sancti Saluatoris, vnde & Canonici Sancti Saluatoris dicuntur. *ibid*

S[illegible] de numero eorum, quorum memoriam faciunt Pontificum iura: [illegible] enim [illegible] per D. H[illegible], & per Apoſtolos, & Epiſcopos eorum ſucceſſores, & per D. Auguſtinum reformati, nec non ad antiquũ ſtatũ Canonicorum Cathedraliũ Eccleſi[arum] reſtituti. Illi autem, quos ius Canonicum Regulares Canonicos vocat, ſuam originem minus antiquam habent à S. Arnulpho Epiſcopo Frãciæ, anno Domini 1117. [illegible] profeſſione Regulæ S. Auguſtini. Quorum modus viuendi, cum nec omnino eſſet Monaſticus nec omnino Clericalis, fuit diuerſi[illegible] rigor ſignatus, & à Papa *Bened.* XII. an. 1342. multis gratijs & priuilegijs ampliatus. In Gallia, Italia & maximè in Luſitania ſunt valde reformati, & communiter Canonici Regulares D. Auguſtini n[illegible]upantur. non quia eorum R[egula] a D. Auguſtino fue[rit] [illegible], ſed propter Regulam [illegible] ab [illegible] Auguſtino tradit[am]. *ib.*

Ordo Sancti Benedicti fuit primus omnium in Occidente, ſicut Ordo S. *Baſilij* primus fuit in Oriente: primum in Sublaco, ac poſtmodum in monte Caſſino, ab ipſo ſanctiſſimo Patriarcha ſumpſit primordia, anno Domini circiter [illegible]0. fuitque poſtea reformatus ab Odone in Abbatia [illegible] S. Iuſtinæ ciuitatis Paduæ anno 1410. Vocari ſolet hic Ordo montis Caſſini ac S. Iuſtinæ. Eius rami & Congregationes ſunt, Congregatio montis Oliueti, Vallis vmbroſæ, Ciſtercienſium, Carthuſienſium, Cœleſtinorum, Camaldulenſium, Sancti Hieronymi, & Fratrum [illegible] Chriſti reformatorum [illegible] *art* 2.

Congregationem montis Oliueti Bernardus Ptolomæus cum duobus a[illegible] S[illegible] ſibus fundare cœpit prope [illegible] ciui[tat]ẽ, anno 13[illegible]9. ſub *Ioanne* XXII. cuius iuſſu Guido Petramala, Epiſcopus ciuitatis Aretij, viſione Diuæ Virginis præhabita, & ha[illegible]um, quem nunc ferunt, dedit, & Regulam S. Benedicti obſeruandam præcepit.

Congregatio Vallis vmbroſæ habuit initium à *Ioanne Gualberto* [illegible] d[illegible] prope Florentiam [illegible] circa annum 1040. vel ſecundũ [illegible] H[illegible] Religio [illegible] defect[illegible] *ar.* 4.

Congregation Ciſtercienſium [initium] dedit quidam Stephanus Abbas, anno 1098. vel iuxta a[lios] Robertus Abbas Abbatiæ Moliſmenſis. Hec nome[n] [illegible] Monaſterio primum ędificato in [illegible] Ciſtercio d[illegible] pau[illegible] ſic [illegible] à [illegible] merito eius Fudatęr dic[illegible] Regulam Bened. *ar.* 5.

Congregationem Camaldulenſium, ſic dictã à Conuentu Cam[aldulen]ſi [illegible] ciuitatis Aretij [illegible] Tuſciæ, B. Romualdus è ciuitate R[auenna] [illegible] dus inſtituit anno 103[illegible] ſub Regula Sancti Benedicti *art* 6

C[on]g[regat]io [Cœ]leſtinorum, qui ſunt Obſeruantes ſub Regula Sancti Benedicti degentes, habuit

buit initium propè ciuitatem Sulmonam in loco dicto Magella a Cœleſt. no V qui anno 1294. ad Pa. alem dignitatem euectus, poſtea eidem renunciauit, inſtitutique ſui confirmationem a *Greg* X. imperrauit *art.7.*

Carthuſienſes à S. Brunone ciuitatis Agrippæ in territorio Gabonæ in loco Cartuſi dicto feliciter cœperunt, & licet non veuenat aliquam Regulam ab Eccleſia approbatam, ſed habeant ſua ſtatuta pro Regula, laudabiliter tamē in obſeruantia ſuarum conſtitutionum perſeuerant. *art.8*

Congregatio Eremitarum Sancti Hieronymi ... a, initium habuit anno 1310. à Beato Petro de Piſa; dicuntur que Sancti Hieronymi, ob incredibilem eorum deuotionem erga illum, cuius diſcipuli eſſe contendunt. *art.9*

De Congregatione Eremitarum ſancti Hieronymi ... ...nia ... hore & tempore non ſatis conſtat. Authorem ſeu potius Reformatorem dicunt quidam fuiſſe ... ... quendam de ... neto, ... ſeniam Cremonenſem diſcipulum S. Hieronymi, ... quendam Sanctum Fratrem Thomam ... quidam, hoc ... multi nobiles ... ... a *Gre.* XI. illius approbat... ... ... unt ſub Regula Sancti Auguſtini, ann... *artic.* 0.

Ordo Cruciferorum à Sid...aco Epiſcopo Hieroſolymitano ... ... Domini Sanctæ H...æ ... ... nem ſumpſit anno 365. vt dicit Bul. æ *Alexan.* III. & *Alexan.* VI. teſtimonium ferunt, vel vt Chronica Martiniana & Sa... a, a *Cleto* il poſt Diuum Petrum Pontifice. Ordo hic ſæpius ob bell... ex tinctus, toties reſtitutus fuit. *Pius* II, anno 1460. ordinauit, vt Fratres illius habitu coloris cærulei azuri... peragrarēt, ... per prius colore veſtirentur) & confirmauit, vt præ manibus ſemper crucem geſtarent, ex quo in anteriori pectoris parte ſemper & crucem argenteam, & habitū talis coloris geſtare conſueuerunt. *art.11*

Ordo Sanctiſſimæ Trinitatis cœpit in regno Galliæ, temporibus *Anaſtaſij* IV. & *Adriani* IV. à G... lino Duce Aquitaniæ, & Comite de Pictauia; & poſtea ad inſtantiam Ioannis Merenecis eius ſocij ab *Innoc.* III. approbatus anno 1197. Ex illa Religione manauit illa ... ... Confratria Sanctæ miſericordiæ plena pietatis operibus anno 1539 à Patre Michaele de Contreras inſtituta. *art.12.*

Ordinis Sanctæ Mariæ de Mercede inſtitutum fuit primò reuelatum Regi Aragoniæ domino L... ymi, & eadem hora Fratri Reymundo de Penna f... Ordinis Prædicatorum eius Confeſſario, nec non nobili cuidam Petro Nolaſco, qui fuit primus Ord... Pater. ... tium habuit Barcinonæ anno 1264 ... confirmatum a *Clemente* IV. anno 1265. Eius profeſſores vltra tria vota quartum emittunt, quod dum ... ... ne captiuorū, ... mane... ... ... pro liberatione captiuorum ... ... *art 13.*

Ordo ... Clericorum Regularium (qui communiter Theatini d... ...) initium dedit Petrus Caraffa ..., postquam Epiſcopus ... ... fit, anno 1528 Vnde errant Hiſpani Ieſuitas vocando Theat... *art.14.*

Ordo Clericorum miniſtrantium infirmis cœpit anno 1584. à Patre Can... de Cel... Doctore: quem approbauit *Sixtus* V. & *Gregor.* X.V. multis priuilegijs decorauit *art.15.*

Præmonſtratenſes ... ... primum inſtituti à Diuo Norberto in ſancto Ioanne de Præmonſtrato in regno Galliæ, Diœceſis Laudunēſis. ... rum Ordo fuit poſtea ſub Regula D. Auguſtini co... firmatus à *Paſchale* II. & *Innocent.* II. *art.16.*

Congregatio Sancti Gregorij ... Algaba Venetijs originem duxit à quodam Gabriele Condolmerio, filio ſororis Gregorij Papæ; ad reformationem Clericorum, in ſimilitudinem Canonicorum Regularium D. Auguſtini, & in regno Luſitano a Ioanne Vliſipponenſi ... in quo regno maximè viget hoc tempore *art 17.*

De Ordine militari.

Templarij à Petro G... gorio, alijſque inſtituti, ... & ... veſtem more Canonicorum Regularium geſtabant cum cruce rubri coloris in pectore, aut in pallijs, & chlamydibus. Eorum officium erat, itinera ad Terram ſanctam tunc recuperatam ſecura reddere, & conſeruare Sed poſtea penitus deleti ſunt, eo quod cum Saracenis in Chriſtianum nomen cōſpiraſſent 4 5. *art.1.*

Ordo militaris Sancti Ioannis Baptiſtæ cœpit anno 1099 Hieroſolymis, poſtquam in Chriſtianorum poteſtatem redacta fuerunt, in hoſpitali Sancti Ioannis Baptiſtæ ibi conſtructo ad ſuſcipiendos Latinos peregrinos; cui miſericordiæ operi quidam ſe nobiles addixerunt, primique fuerunt huius ... Ordinis Authores. *art 2.*

Huius vitæ cultores tria vota ſolemnia emittunt, & ſæpe in ... Pontificum Fratres Sancti Ioannis vocantur, & Præfectus eorum Prior dicitur. Ferunt crucem albam in nigro veſtitu, alij; cultui diuino, alij militiæ deputantur. Adeo...

rum

[illegible] m i ſtratum pertinet, Chriſtianos contra Turcas defendere. Dicitur [illegible] E queſtre. Rhodienſes qui ex [illegible] Hieruſalem, Rhodum ſe receperunt, [illegible] Rhodo etiã perdita Melitenſes nuncupantur, [illegible] eo [illegible] votum paupertatis [illegible] habere [illegible] & Commendatur, quæ [illegible] [illegible] [illegible] [illegible] [illegible] ſocietati [illegible] menta [illegible].

O d [illegible] cm militum de Calatrava i [illegible] anno [illegible]. Sancius huius nominis [illegible] Rex Legionis & Caſtellæ, [illegible] Deſiderat [illegible] in q [illegible] o, quod primo Templarii [illegible] fue [illegible] co ſirmatur [illegible] art. [illegible].

O [illegible] Alcantaræ. [illegible] illi [illegible] ann. 1174. [illegible] Domino G [illegible] Hernandez tempore Ferdinandi [illegible] Regis Legionis, approbatus fuit à multis Pontificibus. *art*. 4.

O d [illegible] S [illegible] habuit initium tempore Ramiri [illegible] Hiſpaniæ, qui [illegible] contra Saracenos obtinuit [illegible] D Iacobi viſibiliter in equo albo, vexillo [illegible] & in [illegible] pugnantis, circa annum 1170. In hac Religione ſunt in triplici d [illegible] qua [illegible] Monaſ [illegible], al [illegible] milites. *art* [illegible].

Ordo militiæ de A [illegible] anno 1147. tempore Alphonſi Henrici primi Regis Luſitaniæ. E [illegible] vouent Regulam Sancti Benedicti; fuitque [illegible] à multis Pontificibus. *art* 6 *Vide plura in fine tom* 1

ORDO SACER.

Vide A [illegible].

PRiuilegia, quibus Superioribus Ordinum cõcedebatur, vt ſuis ſubditis literas darent dimiſſorias, & m [illegible] ad quemlibet Epiſcopum, non [illegible] reuocata per *Conc Trident* quamuis ordina [illegible] debeant, aut [illegible] Superiores (quorum examen ſuffi [illegible]) [illegible] per Epiſcopos diligenter examinari, iu [illegible] *Concil. Decretũ ſeſſ* 23 *de Reform. tom* 1. *quæſt*. 18. *art*. 6 *& q* 24, *art*. 7. *& tom* 3 *q*. 24 *art* 1.

M [illegible] circa ordinã [illegible] quando [illegible] Iemnis; ſed reuocatum eſt per *Sixtum* V *tom*. 1 *quæſt*. 8. *art*. 6

Non requiritur tam [illegible] ad ordinandum Monachum, [illegible] Regulares, [illegible] non obſtante *Conſ. Trident*. poſſunt Epiſcopi bonis & literatis Regularibus Ordines conferre, modo ſciant legere, & [illegible] eſſentialiter requiſita in Sacerdote, [illegible] præſertim à ſuis [illegible] Regularibus [illegible] dicentur, quamuis [illegible] non [illegible] E [illegible] [illegible] dimiſſoriæ *q*. 24 *art*. 7.

S [illegible] [illegible] non reuocat. *to* 3. *q* 23. *ar* [illegible].

[illegible] plures Ordines eodem die recipere n [illegible] *art*. 4.

[illegible], non indigent [illegible] patrimonio, aut b [illegible] *art*. 3.

Suſpenſiones [illegible] V. contra ma [illegible] promotos [illegible], requiſita à *Conc. Trid* procu [illegible] regulares [illegible] per priuilegia [illegible], vt [illegible] in plerisque exempti ſunt. *art* 8

Hæc tamen cenſura ſuſpenſionis præſumptionem requirit: vnde non comprehen [illegible] bona fide procede [illegible]. *art*. 11.

Olim poterat quilibet Epiſcopus iuxta conceſſionem *Sixti* IV. & *Leonis* X [illegible] per ſonis Fratrum Minorum [illegible] actus Epiſcopales exercere abſque licentia Ordinarii [illegible] ſeu territorii, ſed hoc reuocauit *Conc Triden. tom* 3 *q*. 24 *art* 1

Prælati Regularium in ſuis dim [illegible] quas ſuis ſubditis conceduntur, neque [illegible] ſuper interſtitiis, ſed humiliter dominum Epiſcopum rogare debent, vt id faciat, non expreſſa tamen cauſa diſpenſationis, quod ſane debere: ſatis eſſe dom [illegible] Epiſcopi. *art*. 3.

Qui tamen ex nulla cauſa diſpenſare poſſunt, vt duo ſacri Ordines eodem die recipiantur. *ar* 5.

ORACVLVM.

ORaculum viuæ vocis [illegible] quantũ B [illegible] ad fi [illegible] d *Leo* X [illegible] de nouo, & declar [illegible] Fratres ſecurè v [illegible] viuæ vocis oracula paſſim contenta in [illegible] Ordinis. *tom* 1. *q*. [illegible] *art*. 1. *&* a N [illegible] Prouincialis eum [illegible] iudicauerit ab illis abſtinendum [illegible] caſu [illegible] authoritate Apoſtolica re [illegible], & ſuſpen [illegible] *art*. 1.

ORNAMENTA.

NOn licet Fratribus Minoribus procurare ornamenta pretioſa, nec [illegible], aut [illegible] ficia ſumptuoſa, quamuis [illegible] & declarationem *Leon*. X. poſſint tamen recipere [illegible] aut à

[illegible]

PAROCHUS

Q[illegible]

[illegible]

PAUPERTAS.

Vide Sepultura Votum

P[illegible]

[illegible]

quomis modo [illegible]

Re[illegible] m[illegible] aut me diocri[illegible] [illegible] [illegible], o est pe[illegible] [illegible] lo,

S[illegible] Re ligio[illegible] atus den[illegible] prou[illegible] ex ch[illegible] res fit,ed vſum[illegible] quod vero [illegible]

Q[illegible] *vb. ibi.*

Non [illegible] Pr[illegible] bona, qu[illegible] ne ceſſ[illegible] vius ex[illegible] *ar. t.*

Mo[illegible] d S[illegible] vtuntur ce[illegible] ne ceſſi[illegible] ſed po[illegible] *de Reg.c.* a al m[illegible] R ligioſam[illegible] a Su[illegible] a tes,&[illegible] pro prietari[illegible] *art 12.*

S[illegible] pro M[illegible] contra conſti tutioni[illegible] etiam [illegible] pecc[illegible] tale,& [illegible] habeat [illegible] non renſetur diſpenſare in hoc [illegible] acquirens [illegible] fa[illegible] *art 13*

Conc. Triden. [illegible] *de Reg.* [illegible] bu M[illegible] mulierum [illegible] R[illegible] bilia poſſi[illegible] ad Fratres Minores [illegible] ſunt de Obſeruantia. *art. 14*

Paupertatem Frat[illegible] M[illegible] ſu[illegible] [illegible] & [illegible] ſtrictia Or dinis contentam, eſſe[illegible] meritoriam, multi Pontifices declararunt. E[illegible] Ioannes XXII. re uocauit [illegible] feceerat contrarium Eccleſiæ, vt[illegible] determinatio-

[illegible] Pontif[illegible] *q. 9. mo.*

[illegible] M[illegible] ores Con[illegible] Re g[illegible] Pon ti[illegible] in [illegible] pe[illegible] nec ex pr[illegible] xatis[illegible] ſi ſa[illegible] *ar 4.*

PESTIS

NO[illegible] P[illegible] tem[illegible] oc ce[illegible] ſicut a l[illegible] a le[illegible] Ostres [illegible] ſum [illegible] *art 2*

C[illegible] ſed & he ne[illegible] da ex[illegible] men[illegible] neq ex profeſſi ne ad [illegible] R gu[illegible] ob[illegible] c[illegible] ſe ta b[illegible] Tene[illegible] mi[illegible] F[illegible] deputati,aut ex[illegible] *art 3.*

F[illegible] Ma[illegible] la[illegible] ra[illegible] V[illegible] P[illegible] pe[illegible] bus,[illegible] pu[illegible] & mi[illegible] pra[illegible] E[illegible] ad hoc vocetur, aut co rum neceſſitas [illegible] *art.4.*

PRAECEDENTIA.

V. Vo[illegible] ſto.

PRAEDICARE.

REgula[illegible] Ordin[illegible] m pra[illegible] benedictione ab Epo [illegible] in ſuis Ec[illegible] E[illegible] ca[illegible] *art 1*

Ad conc[illegible] e[illegible] expreſſa [illegible] Su[illegible] co[illegible] C[illegible] e d[illegible] R gulari[illegible] con[illegible] nand[illegible] ap[illegible] E Patr[illegible] non ce[illegible] tra b vno Epiſcopo, [illegible]

facultatem vbi [illegible] prædicandi [illegible] Parochi [illegible] Epiſcopi [illegible], a quo [illegible] art. 1. & 3.

Sub pœna [illegible] est detrahere [illegible] & [illegible] ſuperioribus Eccleſiaſticis aut R[illegible] art. 2.

Prædicationem E[illegible], etiam [illegible] ſideſium, habere [illegible] decet. art [illegible]

Neque etiam ad [illegible] armis [illegible] ociari. art. 4.

R[illegible] cum non [illegible] a Papa iuriſdictionem [illegible] ad conciones [illegible] facultates, ſi ut habent ad confeſſiones [illegible], [illegible] approbationem mendicatam ab Ordinario; toties tenentur [illegible] quot [illegible], aut ſucceſſoribus ſibi ſunt ablata per ſuſpenſionem, aut prohib[illegible]. art. 6.

Bonifacius X [illegible] excommunicatione ipſo facto incurrenda prohibuit, ne Prælati Eccleſiaſtici, aut [illegible] quicumque populum [illegible] Parochianos retrahere [illegible] a concionibus Fratrum audiendis, quando & quoties audire voluerint. *art.* 7.

Epiſcopi tanquam Sedis Apoſtolicæ delegati, procedant contra Regulares etiam exemptos generali vel ſpeciali priuilegio, errores aut ſcandala prædicantes. *Ex Conc. Trid. ſeſſ. 5 cap. 2. art.* [illegible]

Expulſus ab Ordine, vel degens extra clauſtra eſt ipſo facto ſuſpenſus à munere prædicationis, non obſtantibus quibuſcumque priuilegio. *art.* 9. *Vide Clauſtrum.*

Leo X. [illegible] Prædicatores verbi Dei, & Confeſſ[illegible] Ordinis Minorum, quando actu [illegible] poſſit [illegible] numerum [illegible], v.g. [illegible] & [illegible], non tamen in fraudem [illegible] ſed vt liberius conſolationi fidelium [illegible] *art.* 12.

Ex [illegible] eſt Regularibus [illegible], & [illegible] hora [illegible] Conuentu [illegible], & [illegible] [illegible] *art.* 13.

PRAELATVS

Vide [illegible], *Benedicere, Be-* [illegible], *Li-* [illegible]

R[illegible] H[illegible] Prælationem Or[illegible] [illegible] q. 34. art. 11.

[illegible] Au- [illegible] Prælatis, *vi ſe-* [illegible] *q.* 4 [illegible] *quæſt.* 44 [illegible] V[illegible] Fratrum, [illegible] tat one [illegible] [illegible] gium.

PRAESCRIPTIO.

PRæ[illegible] o [illegible] quadraginta annorum cum [illegible] & [illegible] fide valet contra Eccleſiam [illegible] contra curiam Romanam requiruntur centum annorum. Quod ex priuilegio [illegible] V [illegible] extenditur ad Monaſteria. *tom.* [illegible] *q.* [illegible] *6. art.* [illegible] & *tom.* 2 *q.* 3 [illegible] *art.* 2.

Monaſteria præſcriptione tranſacta poſſunt etiam vſque ad quatuor annos repetere reſtitutionem [illegible] *tom.* 2 *q.* [illegible] *art.* 3.

PRIVILEGIVM.

Vide Abſoluere. Confirmatio priuilegiorum. Confeſſarij, Communicatio priuilegiorum. Epiſcopus, Eremus. Exemptio. Excommunicare. Oblatus, Oſculum. Tertiarij. Procurator.

PLura habet Author de priuilegijs, *tom.* 1. *q.* 7. 8. & 9

Priuilegium communiter mare magnum dictum, eſt compilatio multorum priuilegiorum ibi mixtim, confuſeq; contentorum, v[illegible] utique Ordini a diuerſis Pontificibus conceſſorum. Mare magnum Fratrum Minorum [illegible] *Regimini vniuerſalis Eccleſiæ*: Fratrum Prædicatorum: *In nomine Domini*. Auguſtinienſium: *Dum fructus vberes*, Carmelitarum *Dum attenta*, Minimorum: *Dum ad ſacrum. tom.* [illegible] *q.* [illegible] *art.* 4.

Priuilegia Regularium non perduntur niſi per nō vſum 60. annorum; quemadmodum nec eorum bona præſcribuntur ante 60 annos *art.* [illegible]

Imo [illegible] amittitur priuilegium per non vſum 60 annorum, n[illegible] vtentes habeant ſcientiam [illegible] & voluntatem non vtendi. *art.* 4.

Perdito priuilegio per non vſum Religioni, cui primo fuit conceſſum, non ideo perditur Religioni [illegible] dicto priuilegio cōmunicanti [illegible], ſi [illegible] vſa fuer[illegible] *art.* 5.

Generales Ordinū, Capitulū generale, & omnes Prælati habentes authoritatē Apoſtolicam poſſunt tollere Guardianis, & alijs Fratribus vſū priuilegiorum. Imo Capitulū generale, vtpote [illegible] Ordinem [illegible], [illegible] ab q[illegible] authoritate Apoſtolica [illegible] eſt [illegible] ſuo priuilegio [illegible]. *Quæſt.* 9. *art.* [illegible] *Vide Oraculum viuæ* [illegible] & *Exemptio*

De reuoc[illegible] & per[illegible] priuilegiorum multa habet *art.* 3 4. 5. 6 7. 8. 9. 10 & 11

Priuilegiū [illegible] a ſingulari Fratre contra [illegible] Ordinis nullū eſt, ex *decla. Leo. X & multorum Pont. q.* 1[illegible] *art.* 5.

Qui-

Quomodo [illegible] a amittuntur. *vide* [illegible]

Priuilegia [illegible] Abbati non extenduntur ad Commendatarios [illegible], nec [illegible] in [illegible] verus Prælatus. Nisi [illegible] concessa [illegible] personas eisdem [illegible] ita ut non [illegible] perſonæ [illegible] dicat [illegible] *art.* 10.

Priuilegia [illegible] Monachis extenduntur etiam ad [illegible], Prouinciales, & Abbates, qui [illegible] sunt veri Monachi & Religioſi, licèt non [illegible] *art.* 11.

Priuilegia collectiuis [illegible] non gaudent [illegible] expreſse [illegible] ſunt indulgentiæ & [illegible] *art.* 12.

PROCESSIO.

Regulares, [illegible] iurisdictioni [illegible] non viuunt [illegible] ad Proceſſiones publicas, ire tenentur, & ad id ab Epiſcopo compelli poſſunt. *tom.* 3. *quæ.* 36 *art.* 1

Non tamen tenentur, niſi publicæ ſint, & pro re graui, & [illegible] prius vocentur *ibid.*

Neque ſi eorum Conuentus vltra vnum milliare diſtent a ciuitate, tenentur ire, quamuis ab Epiſcopo vocentur, ex priuilegio *Leon. X. art.* 2.

Imò Ieſuitæ ex priuilegio *Greg. XIII.* ratione ſtudiorū exempti ſunt ab obedientia [illegible] Proceſſiones Epiſcopis præſtanda, [illegible] priuilegium habent Collegia Fratrum [illegible], tā ratione communicationis, [illegible] conceſſionis *Pij V.* ipſis facta, non autem [illegible] Conuentus. *ibid.*

Regulares ſi aliquando accedunt ad Proceſſiones non vocati, aut ad non publicas, v. g. ad funeralia Principum, gratis id facere cenſendi ſunt, nec ideo renunciant priuilegio. *art.* 3

In Proceſſione omnes Regulares præcedunt Clericos [illegible] Clericos alios omnes antecunt Canonici Eccleſiæ Cathedralis deinde ſequuntur Canonici aliarum Eccleſiarū, Rectores Eccleſiarum ſimplicium, Curati, & poſtremò [illegible]. Inter Religioſos, oēs præcedunt Canonici Regulares, deinde Benedictini, tertiò alij Monachi ſecundū antiquitatem ſuæ fundationis; poſtremo Mendicantes, inter quos præeunt Prædicatores, ſequūtur Minores, ac deinde Eremitæ ſancti Auguſtini, & tandem Carmelitæ. Inter Regulares eiuſdem Ordinis præcedunt dignitate maiores, deinde religione ſeniores. Abbates tamē oēs etiam Canonicos præcedūt; Epiſcopus [illegible] in ſuo territorio dignior [illegible] locū obtinet. *q.* 37. *ar.* 1.

Controuerſias ortas etiā inter Regulares in Proceſſionibus, [illegible] Conuentibus de præcedentia, [illegible] & debet Epiſcopus [illegible] omni appellatione [illegible] *ex Conc. Trid.* [illegible] *c.* [illegible] 3.

Fratres Minores de Obſeruantia ex declaratione *Leon. X.* [illegible] in Proceſſionibus præcedere omnes [illegible] *art.* 4.

Greg. [illegible]

[illegible] ſecundum antiquitatem [illegible] Ordinis, Minores & alij Religioſi [illegible] præcedentes [illegible] in Hiſpania, & multis aliis locis non eſt [illegible] *art.* 4.

PROCVRATOR.

Vide Interdictum, Profeſſio.

INſtituit o Procura [illegible] Romanæ in Ordine Minorum, pertinet de iure ad ſolū Generalem, [illegible] eius Vicarius ad certas cauſas deputatus: licet iuxta ſtatuta [illegible] à Diffinitorio eligendus; ſed hoc eſt de bene eſſe. nam etſi reclamantibus omnibus electoribus ſolus Generalis eligeret, ſic electus verus eſſet & legitimus Procurator. *tom.* [illegible] *q.* 3. *art.* 1.

Huius Procuratoris [illegible] tanta eſt, quāta ei à Generali [illegible] conſuetudine tamen habere ſolet [illegible] expreſſam in ſuis [illegible] in curia Romana [illegible] præſentes [illegible] apoſtatas in proprias [illegible] Cæterum [illegible] Capitulum generale [illegible] poteſt [illegible] ad eumque pertinet [illegible] domini Papæ, & eidem in [illegible] tenet per [illegible] Miniſtri generali. *art.* 2

[illegible] Conuentualis [illegible] non dependeat ab Abbate [illegible] poteſt cum ſuo Conuentu abſque Abbatis [illegible] pro bono communi [illegible], & ſe ſuſque [illegible] obligatione [illegible] de Superiore [illegible], quæ per Prouinciam regulatur. Imò & quilibet Monachus, in iis quæ pertinent ad ſe ſolum, poteſt agere per ſe, & conſtituere Procuratorem. *tom.* [illegible] *q.* 8 *art.* 1

Procurator [illegible] Conuentu neque à Prouinciali [illegible] impediri, quia tali amotio ſeu [illegible] eſſet contra ius commune, & [illegible] *ibidem.*

Ex [illegible] *Martini V. & Innoc. IV.* poſſunt Prouinciales & Cuſtodes Fratrum Minorum aliquem Catholicum in Procuratorem ſeu Syndicum Conuentus nominare, qui ſtatim ipſo de

 nomi-

[illegible]

PRO

PROFESSIO [illegible]

D[illegible] ex eſt P[illegible] [illegible] Ex [illegible] eſt, quæ ſi [illegible] ple la [illegible] incor[illegible] No [illegible] anno [illegible] tiatus [illegible] & vo[illegible] profeſſo. [illegible] vt [illegible] *art.* 1.

Profeſſio ex[illegible] ſu v[illegible] iuſque [illegible] & p[illegible], v.g. [illegible] ante [illegible] ca[illegible] confeſſus ſa[illegible] *art.* [illegible]

[illegible] v. g. ſi fa[illegible] nimte c[illegible] ſi e rò nulli[illegible] ex[illegible] on uen[illegible] v. g. [illegible] ſit, ſuffi[illegible] ipſius [illegible] *ibid.* m

Dubium [illegible] *Concil. Trid.* profeſſ[illegible] an [illegible] annum probationis expletu ſit nul la. *art.* 5.

Profeſſio cum conditione [illegible] compatibili e-miſſ[illegible] v. g. [illegible] quod [illegible] a P[illegible] eſt, ſi [illegible] po[illegible] more M[illegible] chorem [illegible] tis [illegible] *art.* 6

R[illegible] ad P[illegible] um, & [illegible] q[illegible] ſit [illegible] tamen [illegible] doctor[illegible] ſi[illegible] partem commu[illegible] co[illegible] Na[illegible] Generalis. *art.* 7

Monachus iam profeſſ[illegible] O[illegible] M[illegible] *art.* 8

Profeſſio [illegible] ſim[illegible] lun[illegible] P[illegible] O[illegible] M[illegible] ex[illegible] ſuper hoc oneat. *art.* 9.

[illegible] Nouitiu[illegible] *Conc. Trid.* [illegible] ſt[illegible] te [illegible] *Concilium* [illegible] etiam u-[illegible] ad ſex menſes, [illegible] licet *art.* 10.

Profeſſio [illegible] nec [illegible] in [illegible] Pr[illegible] O[illegible] e-m[illegible] nulli [illegible] *art.* 11.

Q[illegible] one [illegible] li-detu[illegible]. E[illegible] m[illegible] in m[illegible] ſimp[illegible] R[illegible] ha-ben[illegible], [illegible] S[illegible] m tale votum [illegible] dumtaxat [illegible] nec m[illegible] mo-nium [illegible] *art.* 2.

Hæc enim S[illegible] ne[illegible] eſt, [illegible] ex[illegible] commiſſione ta-li rec[illegible] *ibid. m.*

P[illegible] P[illegible] m[illegible] & ma-trimonium, [illegible] an [illegible] m [illegible] u[illegible] ha[illegible]

Ex[illegible]

P[illegible] din[illegible] ratur, [illegible] g[illegible] F[illegible] exami-[illegible] exp[illegible] velit *art.* 15

Concilium Trident. [illegible] nullitet [illegible]

[illegible] tam Commiſſario ad [illegible]

[illegible] est [illegible] cum [illegible] ob [illegible] *art.* [illegible].

[illegible] *Conc. Trid.* [illegible] fuerit, qui virgi- [illegible] ad prouinciam, vel [illegible] cogerint, præter [illegible] Quis [illegible] Generalium, vel [illegible] prouinciam [illegible] professionem [illegible] authoritate [illegible]

Q [illegible] Regula [illegible] ad professionem [illegible] tamen [illegible] *Trid.* [illegible] *art.* [illegible]

C [illegible] ex parte illoru. [illegible]

[illegible] in aliquali [illegible] in [illegible] magis [illegible] contra [illegible] tamen professio te- [illegible] constitutio enim *Pii V.* [illegible] professionem grauati ære alieno [illegible] agit de [illegible] non [illegible] natura [illegible] *tomo 3. q.* [illegible] 3 *art.* [illegible].

V[illegible] tamen [illegible] necessi- tate [illegible] est [illegible] non [illegible] subuenire [illegible] votum enim non potest iuri tertij præiudicare, præsertim [illegible] est naturale, aut saltem [illegible], qualis est [illegible] obligatio [illegible] *idem*

Si tempore professionis [illegible] necessitas paren- tum non erat [illegible] obligaret ad subueniendum [illegible] potest contra obedientiam [illegible] non [illegible] in [illegible] obligatio [illegible] Decalogi, obli- ga[illegible] secundæ *tom. 2. quæst.* [illegible] *art.* 3

[illegible] Regulari [illegible] ad regularitatem [illegible] non acq[illegible] ad [illegible] in com[illegible]

ma[illegible], & Romanis [illegible] b[illegible] Regularium [illegible]

PROTECTOR.

GRegorius IX. qui [illegible] primus [illegible] Fratrū Minorum [illegible] Prorectori. [illegible] Regu- la [illegible] & exam- [illegible] qui [illegible] & hoc a mul- [illegible] *art.* [illegible]

[illegible] in [illegible] Cardinalem [illegible] Mi- norum ex [illegible] *art.* 2.

PROVINCIA.

PRouincia non potest de nouo erigi, aut abo- leri sine expressa Papæ licentia. *tomo 1. q.* 23[illegible] *art.* [illegible] *& tom. 3. q. 43 art.* [illegible].

QVADRAGESIMA.

IVs antiquum mandat Quadragesimam inchoa- ri ab omnibus Clericis a Dominica Quinqua- gesimæ, cuius obligationem iam vsus contrarius aboleuit; non tamen in nostra & multis alijs Re- ligionibus, in quibus duobus illis diebus ex vsu antiquo saltem in communitate ieiunatur. *to. 3. quæst. 45. art. 1. & 2*

QVARTA.

Vide Canonica portio.

REFORMATIO.

COncilium Trident. sess. [illegible] de Regul cap. 1. mādans Regulares reformare ad primum præscriptū Re- gulæ, non intendit obligare ad primum modum viuendi Regularem, cum multa vtiliter pro tē- porum & occasionum varietate sint statuta, aut priuilegijs mutata, sed tantum ad essentialē obseruantiam Regulæ, *tom. 2. q 74 art 3 Vide 1. tom quæst* [illegible] 6.

Singulares Fratres non mādantes executioni dictum Decretum (si impediant Prælato) ex- cusantur a peccato, donec [illegible] reformatio fiat, cum illud solum [illegible] Prælatos *tom.* [illegible] *q.* 74. *art 3.* Qui autem [illegible] Superiores [illegible] dere debeant, *vide art 4.*

In [illegible] *Leo X* [illegible] Mo[illegible] instituatur [illegible] Ministri [illegible] aut prouinciam, [illegible] authoritate A[illegible] *art 2.*

Quàm ſalubre ſit Capitulum ſinguli [illegible] uouere ad ſe [illegible] Chriſtianis, [illegible] mam ad Præ[illegible] conſ[illegible], *vide* [illegible] *qu 47. art. 1 & 2.*

Modum, quem tenuerunt Patres [illegible] inſtituē da, & [illegible] Religionum in Hiſpania reformatione, & [illegible] induſti [illegible] à *Clemente VIII vide art* 4.

Christum Dominum Religionem inſtituiſſe cum [illegible] votis [illegible] paupertatis ſc. obedientiæ, & caſtitatis, & inſpiraſſe hominibus Religionum inſtitutoribus varios gradus Monaſticæ vitæ qui diſtinguuntur quaſi ſpecie, probant S Patres. Actio generis Religionis eſt perfectio vitæ Chriſtianæ in charitatis actibus, ſeu operibus circa Deum, & proximum cum tribus votis; [illegible] pec [illegible] differentia ex diuerſitate exercitiorum charitatis tanquam ex obiecto. & fine proximo ſumenda eſt. *to 3 quæſt. 48 artic. 1.*

Actiones ſpecificæ directæ in vitam contemplatiuam (vt in Carthuſianis) præferuntur tendentibus in actiuam, ſed vtriſque præcellūt quæ in mixtam [illegible] nam [illegible] minores ſunt vitæ C[illegible] Apoſtolorum profeſſioni. Inter Religiones vero eundem finem habentes, quales ſunt Mendicant [illegible] præfertur, cuius media dicto fini aſſequendo magis congruunt. *ibidem.*

Quatuor dumtaxat ſunt Regulæ ab Eccleſia approbatæ, ſub quarum aliqua militant omnes Religioſi Eccleſiæ Catholicæ, Baſilij, Benedicti, Auguſtini, & Franciſci: nam Carthuſiani, & Ieſuitæ conſtitutiones tantum, & ſtatuta pro Regula habent *art. 2.*

Ad ſolum ſummum Pontificem ſpectat Regulæ Monaſticæ (quæ eſt quaſi lex & norma perfectionis) approbatio In[illegible] ſub anathemate *Inno. III* cauit, ne quis ſine expreſſa Pontificis approbat[illegible] Religionem inſtitueret *art. 3.*

Poteſt tamen Epiſcopus approbare honeſtum quendam viuendi modum cum votis ſimplicibus, qui tamen ideo non cēſe[illegible] Religio *art. 4.*

Canonici Regulares Eccleſiarum Cathedralium ſunt eiuſdem Ordinis & Religionis cū Canonicis Regularibus Monaſteriorum, cùm ſi in vtriſque idem habitus & profeſſionis ratio: deferunt enim [illegible] lineum habitum, & Regul[illegible] eandem pro[illegible], & licet in [illegible] nomine Monachorum quandoque [illegible] non ideo [illegible] non ſunt vere Religioſi, quāquam etiam eorum Regula ſimpliciter Clericorum dicatur.

quæſt. 49 art. 3 & tomo 1 quæſt. 1. art. 3.

RELIGIO

quoad obligationem.

REgularis vouens Regulam ſecundum intentionem Authoris eiuſdem non obligatur ad omnia contenta in ea, niſi expreſſè, vel bo, vel mente aliud exprimeret, vel intēderet, quod nihilominus peri[illegible] eſſet, & quaſi impoſſibile *to 2 quæſt. 50. art 1*

Ex vi Regulæ [illegible] profeſſus ad ſex duntaxat ſub peccato mortali obligatur. 1. Ad obedientiam Superioris præcipientis 2. Ad non habendum proprium. 3. Ad non contrahendum matrimonium 4. Ad obſeruantiam præceptorū Regulæ 5. Ad non agendum ex cōtemptu. 6. Ad tendendum ad perfectionem, quæ eſt finis omnis Religionis, id eſt, ad numquam contemnendum habitus virtutum. *ibidem.*

Omnes Religioſi tenentur ſub peccato mortali tendere ad perfectionem; quam *D. Thomæ* cōcluſionem referens *Nauar.* eam dicit multis Religioſis eſſe terribilem. Hęc autem tendentia nō dicit continuam, & actualem eleuationem mētis, & omnium actionum in Deum quod in hac vita præſtari non poteſt, nec dicit ſolam permanentiam in charitate, nihil agendo aut [illegible], quod Diuinæ directioni ſit contrarium: ſed virtualiter continuam eleuationem in Deum, id eſt, habere ſemper animum tendendi in Deum, in quantum neceſſitas præſentis vitæ patitur. *q 48. art 1.*

Tranſgreſsio Regulæ in re leui non eſt mortalis contra quoſdam, quemadmodum nec violatio promiſsionis iuratæ de re leui etiā totali, *quæſt. 48 art. 2.*

Tenent nonulli profeſſum non teneri ad auſteritates ſuperinductas, quæ videlicet non vigebant tempore ſuæ profeſsionis, alij tamen dicūt poſſe per obedientiam cogi maxime ſi conducāt ad meliorem obſeruantiam Regulæ; & ad id olim *Pius V & Paulus* I. Conuentuales, & Moniales teneri in tali caſu declararunt. *quæ 52 art. 16.*

De tranſitu ad alium Ordinem.

NOn eſt leuiter [illegible]da migratio pro[illegible] de vno Ordine ad alium [illegible] magna id vtilitas, aut neceſſitas perſuadeat, cum ſæpius ex animi leuitate fiat, & aliquando ex nimio & indiſcreto rigore Prælatorum. Vnde *Pius V* reuocauit omnia priuilegia data in hunc finem contra ius commune. *to. 3. q. 52 art. 1 & 2.*

Ius autem commune permittit, vt Regularis petita licentia a ſuo [illegible] aut Abbate, & non obtenta, poſ[illegible] de bono animo [illegible] ad

aliam Religionem ſtrictiorem [illegible] art. 3

Maior [illegible] Religio [illegible] conſ[illegible] vix poſſ[illegible] eſt [illegible] ſumere [illegible] ia, & auſteritate. art. 4.

Hæc verò iuris permiſſio intelligenda eſt nõ tantum de Regula [illegible] ore, ſed etiam de meliori modo [illegible]: nam iuxta eam licet tranſire ad Religionem ex Regula laxiorem, ſi ibi magis viget Regularis obſeruantia. Quod intelligendum, niſi aliqua ſpes ſit futuræ in breui reformationis [illegible] aut ſit in eodem Ordine aliquod Monaſterium reformatum. art. 5.

Dicta iuris permiſſio extẽditur etiam ad Moniales, [illegible] tamen nõ exeant clauſuram abſq; licentia [illegible] tenentur Epiſcopi & Prouinciales. Quod ſi non poſſint aufugere, poteſt tota communitas aliud exstare inſtitutum ſuo perfectius. art. 6.

Quod circa hoc [illegible] commune concedit Religioſis Clericis etiam laicis, & oblatis indulget, art. 7.

Tranſeundi ad laxiorem Regulam & obſeruantiam ſine cauſa ſolus Papa poteſt facere licẽtiam, ſed cum cauſa etiam Prælatus art. 9

Cauſa autem iuſta videtur eſſe contrarius aer proprij Monaſterij, ſi in ſuo Ordine alia melius ſituata deſint; vrgens parentum neceſſitas, quibus commodius ſubueniet in Ordine; ignorantia auſteritatis ſuæ Regulæ tempore profeſſionis ex ſimplicitate proueniens; nimis delicata complexio, aut infirmitas, etiam poſt profeſſionẽ orta; perſecutio mota contra aliquem Fratrem abſque culpa, aut poſt [illegible] pœnitentiam. art. 9 & tom. 1. q. 22. artic. 5.

Papa diſpenſans in lege pure humana ſine vlla cauſa, licet ipſe, & petens peccet, valet tamen etiam in foro conſcientiæ diſpenſatio, ſed in lege dependente à diuina, qualis eſt in noſtro propoſito, ſi cauſa caret [illegible] eſt, & [illegible] art. 10.

Fugitiuus Frater [illegible] Conuentus ſui Ordinis [illegible] ad alium Ordinẽ tranſire art 14.

Præfata iuris permiſſio, [illegible] bitione multorum [illegible] fitum non [illegible] Mendicantes, quoad tranſitum ad [illegible] Ordi[illegible] hoc facto [illegible] licentiam [illegible] ſubdi [illegible] Monachi eos recipere [illegible] ipſo facto [illegible] Quod etiam [illegible] So[illegible] pr[illegible] Conuerſos, & eiuſdem Scholares poſt vota ſimplicia e[illegible] conceſſit art 15.

Contra [illegible] Regulares [illegible] Mendicantes [illegible], & [illegible] poſſint [illegible] collecta [illegible] Carthuſianor, quos Eccleſia externis edocta [illegible] eat. art. 8.

Vnde Carthuſianos [illegible] ad vllũ aliud [illegible] Ordinem ſine ſui Superioris licẽtia, art [illegible].

Per [illegible] Pontifices [illegible] interdictum eſt ſub pœna excommunicationis [illegible] & a te [illegible] Carthuſien[illegible] Cæleſtinen[illegible] Ciſtercienſes, Caſinenſes, [illegible] Benedictini Congregationis Hiſpaniæ ad vllum Ordinem etiam Carthuſienſium tranſeant. art. 20.

Permiſſione iuris communis, eſſe licitus ſit tranſitus de Ordine Mendicante ad alium etiam Mendicantem, [illegible] eſt tamen de Ordine Minorum, ad Minorum [illegible] & e contrà. ad hoc enim requiritur [illegible] Papæ licentia, quacumque exiſtente iuſtiſsima cauſa. art 21.

Prohibitum eſt Fratribus Capuccinis a multis Pontificibus, ſub excommunicationis pœna, recipere Fratres de Obſeruantia, abſque ſui Superioris licentia in ſcriptis obtenta art. 22

Votum Religioſi de nunquam ingrediendo Religionem ſtrictiorem, ſicut nullum eſt, ita nihil etiam impedit. art. 24

Tranſlatus non poteſt fieri Prælatus, niſi ſit ibi profeſſus. art. 25

Quod ſi authoritate Papæ factus fuerit Prælatus, vbi renunciarit Prælaturæ, aut aliter ea priuatus fuerit, non remanebit filius illius Monaſterij [illegible], vbi voluit, ſaltem ſecundum plures Doctores [illegible] Nauar. probabiliter oppoſitum [illegible] art 26

Religioſus profeſſus ex permiſſione iuris migrãs non poteſt quidquam ſecum auferre eorum quæ primo Monaſterio acquiſiuit quoad proprietatem; quia ius [illegible] concedens intelligi ſine præiudicio tertij ſcilicet Monaſterij iam habentis ius ad illa; ſi verò cum bona venia Prælati, & iuſta cauſa [illegible] ad aliud ſui aut alterius Ordinis Monaſterium, habebit vſumfructum eorum [illegible] & licentia & cauſa deſinit, nihil permittitur [illegible] deferre. Si mittatur in pœnã [illegible] Monaſterium [illegible] debet ei victũ. art 27

Regularis in Ordine Mendicante tranſlatus, cum authoritate Papæ, ad Ordinem non Mẽdicantem ipſo facto priuatur voce actiua, & paſſiua, [illegible] habilitate ad quæcumque officia, non obſtante omni priuilegio art. 28.

Tranſlatus de prouincia ad prouinciam eiuſdem Ordinis, [illegible] locum ſuæ profeſsionis, etiã ante incorporatione, licèt careat voce in Capitulo,

[illegible]ulo. At ſi ad [illegible] [illegible] compu[illegible] [illegible] niſi ſit euectus ad [illegible] *art.* [illegible] *& 30.*

E[illegible] Prouinciales [illegible] ob [illegible] etiam cō cedere licentiam degendi [illegible] E[illegible] E[illegible] hoſp[illegible] aut ſeru[illegible] Ec[illegible] per [illegible] P[illegible] eſt [illegible] [illegible] cal[illegible] ſi [illegible] non [illegible] de[illegible] *q. 53 art 6*

Si [illegible] clauſtra ſine habitu ad tempus vrgeat, vt ſanitatē corporis iu dicio Medici [illegible] commodè recuperare, vel ne ceſſitati parentum aliter ſubuenire nequeat [illegible] Prælatis etiam Prouincialis poteſtatem [illegible] tiam impertiendi. *art. 5*

RELIQVIAE

RElliquias Sanctorum pro conſecratione Alta[illegible], & lapides cuiuſcumque generis conſecra-tos, aut non conſecratos extra [illegible] dete[illegible] per-mittit priuilegium *Alexand.* VI. *quæ.* 55 *art.* 2.

RESERVATIO CASVVM

Vide [illegible]

VIdentur hæreſim ſapere, qui negant Prælato poſſe [illegible] caſus, quum [illegible] ex priuilegio *Alexand.* VI. conceſſum erat etiam Guardianis, [illegible] per non vſum, & per contrariam ordinationem ſtatutorum noſtrorum eſt iam ſub-latum *tomo* [illegible] *q.* 21. *art.* 2.

Clem VI[illegible] poteſtatem Prouincia-li[illegible] Generalis, vt nequeant per ſeipſos ca[illegible] re-ſeruare, [illegible] cum Capitulo quod tamen [illegible] videtur [illegible] in noſtro Ordine Minorum, ob ca[illegible] quoti[illegible] contingentes. *ibidem*

Regularis abſoluens à reſeruatis in ſuo Ordine, vl[illegible] quod nihil faciat, incidit in pœnam excom municationis à iure latæ. *art* 3.

Prouincialis, & ab eo delegati validè, & licitè abſoluunt omnes Fratres omnium prouinciarum ad ſe venientes. Similiter habens authoritatē p[illegible] uam abſolue[illegible] à ſuis reſeruatis, etiam à ſolo Pro uinciali, [illegible] à quocumque cuiuſ cumque [illegible] ad confeſſiones audiendas ad-miſſo, *ibidem.*

P[illegible] Prædicatorum tenentur ſub præcepto [illegible] dam Bullæ Pii V. benignos [illegible] exhibere ſub-d[illegible] [illegible] abſoluendi, vnde [illegible] peccare [illegible] ſine rationabili cauſa neg[illegible] *art.* 4

Tunc tamen Fratres [illegible] modo ne [illegible] recte [illegible] ſeniore abſolui, ſic vt non ten[illegible] cor[illegible] eo qui hanc habeat [illegible] poterit tamen abſolui [illegible] conti[illegible] poſtmodum habenti autho-ri[illegible] *art.* 30.

P[illegible] erint, vt ſunt Conuentuales, qui à iure [illegible] habe[illegible] facultatem eligendi ſibi con feſſ[illegible] præter ſui Prouincialis licentiā, p[illegible] eodem Confeſſario electo abſolui ab [illegible] quos ipſi alios abſoluunt. *art* [illegible] *& quæſt* [illegible]

G[illegible] ali authoritatem [illegible] caſu particulari [illegible] ſtatuta noſtri Ordinis de-[illegible] habeant authoritatem [illegible] Prælatorum [illegible] tentiæ, & quod authori-[illegible] conceſſa, ſemper rema-[illegible] orum Vicarios, & Vicariorum Vica-ri[illegible] *quæſt.* 11 *art* 9.

A[illegible] Bullæ Cruciatæ requiritur in profeſſis [illegible] Prælati licentia, non tamen in N[illegible] ad quos non ſe extendit caſuum reſeruatio. *art* 10. *&* 11.

SEPVLTVRA.

Vide Hab[illegible], Paro[illegible].

MO[illegible] Ordinis [illegible] [illegible] Fratres, [illegible] tamen [illegible] habent [illegible] vbiuis eligendi facul-tatem *tomo* [illegible] *quæſt* 58 *art* 5.

Prohibentur Clerici Seculares & Regulares ſub pœna maledictionis æternæ, aliquem [illegible] ad vouendum, iurandum, & fidem [illegible] promittendum ſe electurum ſe[illegible] [illegible] tali electio [illegible] [illegible] ſuorum, a[illegible] loco, quem prius elegerat.

Quod [illegible] de facto [illegible] tenentur ad reſtitutionem corporis, ſi [illegible] necnon omnium oblationum in e[illegible] factarum [illegible] à ipſo facto, interdicto ſubiacent. *art* 7.

H[illegible] ſit pœnalis requi[illegible], Pri-mo, vt eff[illegible] ſequatur. Secundò vt pe[illegible] ces faciat non nomine proprio, ſed [illegible] com-munitatis. Tertiò, vt a[illegible] ad eligendum in [illegible] Eccleſia, non in Eccleſia alterius Ordinis. Qu[illegible] vt verè indu[illegible] exhortans [illegible] non incur-rit eam cenſuram non interueniente voto, iura-mento, aut promiſſione. *ibid.*

Omnibus vtriuſque ſexus licitum eſt in habitu Fratrum Minorū ſepeliri; nec [illegible] hibere [illegible] eſt quiſquam Prælatorū ſub pœna ex[illegible] Papæ reſeruata, quam [illegible] miſſa contrafacientes incurru[illegible] H[illegible] dictus eſt a Guar[illegible] m[illegible] erit, & [illegible] du[illegible] ſine [illegible] [illegible] gemento, non o[illegible]

[illegible]ne

dine, aut præcepto Ordinis [illegible] q. 19 art. 1.

Poſſit [illegible] ſepeliendus eſt in Monaſterio A[illegible] vero, Nouitius, & Oblatus poſſunt aliorum eligere ſepulturam queſt. 60 art. 1. & 2.

Non tenetur Monaſterium ad impenſas ſepulturæ Nouitij [illegible] ſed eius hæredes. art. 4.

Monachus decedens [illegible] proprietarius, iure priuatus eſt ſepultura eccleſiaſtica. Quod intellige, ſi ante mortem [illegible] noluit [illegible] vnde [illegible] cum [illegible] humandus eſt in loco ſacro, quia in dubio [illegible] & præſumendum habuiſſe [illegible] aut voluntatem [illegible] ſed ex obliuione & [illegible] Fratre Minore, apud quem ſi etiam minima pecuniæ quantitas inuenta fuerit, non eſt in loco ſacro inhumandus, queſt. 63. art. 1.

[illegible] eccleſiaſtica ſepultura iure poteſt Epiſcopus impedire [illegible] loci [illegible] exempta deſerantur, non autem [illegible] Fratrū. & iam humata [illegible] corpora extrahere, niſi defuncta fuerit [illegible] excommunicatus [illegible] & nominatim interdictus: tunc enim iure poteſt art. 4.

SIMONIA.

Vide Diſpenſare Donare Dos Nouitius, Profeſſio

STATVTVM.

Statutum, eſt quod [illegible] præceptū a Superiore [illegible] Prouincialis, aut Generalis [illegible] morte præcipientis finitur. tomo 1 q. [illegible] art. 1.

Statutum Ordinis, v. g. Capituli generalis, non valet [illegible] Canonicum [illegible] generale carens authoritate Apoſtolica, contra illud quod habet art. [illegible] & 4.

[illegible] ſtatutum volunt aliqui etiam obligare [illegible] ſi [illegible] pœna non ſequeretur [illegible] de [illegible] art. 6.

[illegible] Moniales [illegible] ſubditæ, [illegible] ſuis etiam Prouincialis, [illegible]

[illegible] Ordinis Minorum [illegible] etiam [illegible] mortalem [illegible] tenet. [illegible] conſtitutiones [illegible] art. 8.

[illegible] neque [illegible] in [illegible] centenda [illegible] ſubiectis, & nul[illegible] la art. 9.

SVCCEDERE.

Vide Hæres.

SVSPENSIO.

Vide Abbatiſſa.

In his caſibus Regulares incurrunt à iure ſuſpenſionem. Primo, Prælati [illegible] enantes [illegible] ſine [illegible] & aſſenſu Capituli, aut Generali [illegible] Secundo, Prælati [illegible] bona immobilia, aut iura Eccleſiæ laicis ſine Papæ licentia, & ſimiliter ij qui Romæ exiſtentes non [illegible] eos, qui hoc fecerint. Tertio, in ordine Mendicantium Prælatus admittens ad profeſſionem ante annum probationis expletum. Quarto, Prælatus, niſi dāno ſatisfaciant [illegible] poſtquam fuerit requiſitus, quod [illegible] ex ſuis ſubditis intulit detrahendo de Prælati [illegible] Quinto Fratres qui [illegible] tiantur abſque Reuerentia [illegible] Superioris. Sexto, Regulares [illegible] ſibi [illegible] pertinentes ad Parochiam, vel aliam Eccleſiam, abſque cauſa, & priuilegio [illegible] requiſitus intra vnū menſem deſiſtat, & [illegible] duos ſatisfaciat, ſi habet [illegible] adminiſtrationem [illegible] ſuſpenſus eſt ab officio, & beneficio [illegible] non habeat, excommunicatur. Septimo, ſuſpenſus [illegible] ab officio prædicationis omnes Religioſi, ex [illegible] ſi requiſiti a Paſtoribus omittant [illegible] licere conſcientiam ſibi confitentibus de ſoluendis decimis, & hoc quamdiu non fecerint, ſi cōmoditatem habuerint. Octauo, qui venationi, aut aucupationi [illegible] cum [illegible] & [illegible] Clementinam [illegible] Monacho [illegible] Sylu. verbo ſuſpenſio §. 6 verſ. [illegible]

Nono [illegible] Prælato [illegible] ad Epiſcopatum vel alias Prælaturas, ſi ante receptam [illegible] quam omnia quæ habebant tem[illegible] Ordinis [illegible] Prouincialem. Decimo Fratre Prædicatore [illegible] Fratre M[illegible] [illegible] ſuſpenduntur ab [illegible] Ordinum a [illegible] Papa [illegible] uendi. V[illegible] retinentes [illegible] aut [illegible] aliquid legere [illegible] Eccleſiæ Parochiali, [illegible] & eorum Prælati, qui de dā[illegible] pœnas [illegible] Duodecimo R[illegible] mulieres, [illegible] De[illegible] ſuſ[illegible] Eu[illegible] V[illegible] Matrimo[illegible] quæ[illegible] tom. [illegible] queſt. [illegible] art. 2.

S[illegible] o[illegible] genera[illegible] lat[illegible] Regulares comprehendi[illegible] P[illegible] Conuentuales, ſed etiam Prouinciales, & Generales, quia in hoc non eſt eadem ratio eorum cū Epiſcopis, quorum ſuſpenſio multis affert detrimentum ſpirituale *art* 5.

SCRVPVLVS.

QVomodo differat ſcrupulus a dubio, & quę ſint remedia contra ſcrupulos in generali, quam in particulari, *vide tom* 3 *q* 66

STVDIVM.

Vide Aetere. Libros. Ordo ſacer.

SOlus Abba[illegible] ſine conſenſu Conuentus, petito tamen conſilio, poteſt mittere Fratrem ex Monaſterio ad ſtudia *tom* 1 *q.* 67. *art.* 1.

Abbate autem eam licentiam recuſante Monacho etiam ſine ea[illegible], neque eam concedere Epiſcopus. Non eſt [illegible] Regulari aut canones, licet in[illegible] docentur: bene autem leges ciuiles ſimpliciter, *art* 2.

S[illegible] quamuis nō liceat eis ſtudere legibus propter ſe, licet tamen propter commodiorem intelligentiam Canonum, ad quod maximè conducit legum cognitio *art.* 4.

Imo probabile eſt, Legatum a latere, qui in ſedibus venit nomine Sedis Apoſtolicæ, poſſe diſpēſare cū Regulari, vt audiat leges, & Phyſicā *art* 5.

Legatum [illegible] Minor[illegible] licet non [illegible] [illegible] communi[illegible], videtur tamen [illegible] cauſa ſtudij quia [illegible] *art* 8.

De ſcientia requiſita, & neceſſaria [illegible] & quomodo [illegible] liceat ſtudere Philoſophiæ ad finē Theologiæ, *vide tom* 3 *q* [illegible] *art* 5

Regularis [illegible] habitu [illegible] audiens leges, aut Medicinam, & Doctor eum in ſcholis temere de[illegible], & do[illegible] ambo excommu[illegible] tur excommunicatione [illegible] tamen [illegible] ſequatur [illegible] Regularis [illegible] extra clauſtro, tamen [illegible] v.g. ſtudeat [illegible] neque [illegible] eam incurrūt, licet aliam non [illegible] *art* [illegible] *q* 64.

SYNDICVS.

Vide Procur.[illegible]

TAVRORVM AGITATIO.

OLim [illegible] *Pij* [illegible] rorum [illegible] Clerici, & Regulares [illegible] ſi [illegible] quam [illegible] *Clemens* VII [illegible] clericos, ſed confirmauit quoad Regulares [illegible] cum [illegible] *to* 2 *q.* 68 *a* 2.

Hęc [illegible] Regulares [illegible] Religioſi non autē ad milites Regulares, niſi ad eorum Clericos. *art* [illegible] & 4

TESTAMENTVM.

Vide Epiſcopus. Hæreditas. Nouitius.

PRæl[illegible] Regularis quicunque, etiam Canonicus, aut Pr[illegible] condē teſtamentū ante mortem, vel d[illegible] ſuæ vltimæ voluntati circa di[illegible] cum intentione obl[illegible] eſt nullum à iure, ad quod [illegible] poteſt [illegible] Prælati, quæ nulla eſt [illegible] Excuſatur [illegible] qui[illegible] habent [illegible] profeſſionē quibus [illegible] non diuiſerat portionem legitimam [illegible] poteſt [illegible] eam [illegible] reliquis [illegible] Monaſterio. Facultas tamen eſt penes ſummum Pontificem [illegible] certiam [illegible] ad teſtandū abſque [illegible] in voto, [illegible] non requiritur [illegible] ſufficiat [illegible] *tomo* 3 *q.* 69 *art* 2.

Profeſſus non poteſt, [illegible] Superioris reuocare, aut alterare teſtamentum ante profeſſionem factum; bene autem ſuam intentionem declarare *art.* 3.

Profeſſus in Ordine militari, licèt ex vi Regulæ teneatur ad paupertatem, & per conſequens [illegible] habeatur teſtari, tamen ex antiquo vſu, & conſuetudine viuendi contrariam iam præſcripta, [illegible] poſſident, & vouent ſecundum [illegible] Magiſter in Ordinis in hoc diſpe[illegible] non [illegible] teneatur ſeruare Regulam, etiam ſeruari conſueuit. Imo [illegible] G. XIII. ad maiorem ſecuritatem hoc eis conceſſit ſicut & *Clemens* V[illegible] *art* 7.

Hæc tamen [illegible] facult[illegible] neque Maltenſes, neque [illegible] Regulares, quam Hiſpaniæ, comprehendit *art* 7.

Oblatus [illegible] au Monaſterio [illegible] liberum [illegible] nem (etſi non ſit Religioſus) teſtandi iure priuatur. *art.* 8.

Teſtamentū factum ante profeſſionem à [illegible] cogitante Religione, per profeſſionē rumpitur [illegible] Monaſterium [illegible] peruenturus [illegible] cogitabat [illegible] quia tūc valet etiam [illegible] *art.* 11.

N[illegible] R[illegible] executores acceptare, m[illegible] poteſt [illegible] licentia Superioris [illegible] ta[illegible] habeat vel e[illegible] Quis ſuis alios [illegible] poteſt, id ipſum per ſe præſtandi facultatem habet. *quæſt* 70. *art* 1.

Per [illegible] Fratrib Minor[illegible] executores [illegible] teſtatorem [illegible] executores [illegible] aut facultas [illegible] executores [illegible] diſtribuendis legatis, ita vt [illegible] executores [illegible] ſilium petere teneantur. *art* 2.

Fra-

F[illegible] et M[illegible]tè exequitur teſtam[illegible] d[illegible] ſtribuendum inter Fratres & Sorores [illegible] Ord[illegible] hæ[illegible] ſoluen[illegible]e. *art.* 2.

R[illegible] executor teſt[illegible] me[illegible]u, ſi ſol[illegible]ſit, poteſt pa[illegible]us erogā[illegible] ſuo app[illegible]icare Monaſterio, ni[illegible] teſt[illegible] aliquid legaueit: ſibi autem [illegible]xtra ſummā neceſſ[illegible]atem ex[illegible]ſtenti, cō[illegible] nun[illegible]er non poteſt, niſi con[illegible] voluntate [illegible], aut alios habeat exe[illegible] co[illegible]iuto [illegible] *art* 4. & 10. 2. *q* 1[illegible] *art.* 8.

R[illegible]g[illegible]s etiam exemptus, aut Prælatus [illegible] [illegible]atius poteſt conue[illegible]iri ab Epiſcopo pro re[illegible]d[illegible] ratione executionis teſtamenti. Quod in telligendum de Religioſo habente exemptionem communem, & conuē[illegible]ionibus ratione contractus, vel [illegible]licti ſorte[illegible]; nō autē de ijs qui conueniri nō poſſ[illegible] quale ſunt omnes Mendicantes. *art.* 5.

Nu[illegible] autem prohibetur teſtari in teſtamentis cum licentia Superioris. *Queſt* [illegible]1. *art.* 2.

TERTIARII.

Vide Exemptio.

TErtiarij, quos S. Franciſcus inſtituit, viuentes in dom[illegible] ſuis, non ſunt Religioſi, cum non dede[illegible] [illegible] Regulam, ſed tantùm p[illegible]um quendam viue[illegible] no[illegible], vnde Fratres nu[illegible] in eis habent [illegible] [illegible] ed [illegible] cur[illegible] ſpiritualem, [illegible] autem [illegible] communi ſecundum Regulam approbatam [illegible] Sixto V. ſunt vere Religioſi, & ſub cura [illegible] Minorum, ijs exceptis, qui tacentibus Præla[illegible] Ordinis, Epiſcopis ſe ſubdiderunt, *tom.* 3 *q.* 72. *art* 1.

Seraphicus Pater S. Franciſcus primus fuit qui Ter[illegible] uit; ad cuius poſtea imitationem a[illegible] Pontificibus hoc idem impetrarunt. In Ordine Prædicatorum ſunt Fratres & Sorores Tertiariæ tria vota eſſentialia emittentes, ac pro[illegible]de veri Religioſi. In ordine Minimorum ſunt etiam vtriuſque ſexus, ſed tamen non videntur Religioſi. Ordo Carmelitarum, & Auguſtinienſium ſolum habet mulieres, non Religioſas, ſed pœnitentes. *art.* 2. & 3.

Habitus Tertiariorum Beatiſſimi Patris noſtri Franciſci vi[illegible]tium in mundo ſecundum primā inſtitutionem, eſt quoad formam ſimilis habitui ſæcularium; ſed quoad colorem cinereus: viuē[illegible]ium autem in Congregatione debet differre forma & colore ab habitu eorundem Fratrum, hoc eſt, eſſe coloris obſcurioris, non qui[illegible]e albi, aut nigri, magis tamen ad [illegible]dinem tendentis. Quoad formā caparonem ha[illegible] ita latum, vt deſuper [illegible] ſcapulas de[illegible] ab vtraque parte per quatuor digitos, & in longitudine [illegible]ra corrigiam: prout ſtatuit *Iulius* II. Cordam per ſuam Regulā portare non debent, ſed corrigiam, vnde quod hodie aliter veſtiuntur in quibuſdam locis [illegible] conſuetudine, ſeu, vt verius, corrupt[illegible] [illegible]ū eſt, merito re[illegible]mādā. *ar.* 4.

Ho[illegible] ex con[illegible] [illegible]us Pij V. & *Gregor* XI[illegible]. Tertiarij S. F[illegible] viue[illegible]es in co[illegible], ſub cur[illegible] & regim[illegible] F[illegible] Minorum Regulam ap[illegible] pro[illegible], eorū priuilegijs, [illegible] gra[illegible]tis. *q* 73 *art* 1.

A[illegible] Tertiariæ [illegible] Epiſcopis, ſed ga[illegible] pr[illegible] quoad indulgentias, & abſolutiones [illegible] 2. & *q* 74 *art* 11.

TORTVRA.

Vide Index

NOn eſt in vſu Religioſorum ali[illegible] torturæ genus, [illegible] flag[illegible] & ieiunium in pane & a[illegible] in alijs tribunalibus exerceri ſolita, [illegible] quod [illegible] in eis propter reuerentiā Cl[illegible]us, & [illegible] Regul[illegible] *to.* 2. *q.* 12 *ar.* 4.

Hæc vnquam [illegible] flagell[illegible]o, [illegible] incolumitas [illegible] vt iure prohibetur, vel vt videatur eſſe [illegible] ſanguinis *q.* 29 *ar.* 7.

TRIBVTVM.

Vide Exemptio.

PIus V. poſt alios [illegible] Pontifices conceſſit R[illegible]gi H[illegible] P[illegible] quoddam ſubſidiū pro expeditione be[illegible] contra [illegible] ſuper reddi[illegible]tibus bonorum Eccleſiaſticorum, & Regularium, etiam militiæ Regularis (exemptis Cardinalibus, & militibus Hieroſolymitanis), et Nuntium Apoſtolicum taxandum. Et hanc conceſſionem confirmauit *Greg* XIII. & alij ſequentes. Ad hanc autē ſolutionem pro rata ſ[illegible]endam etiam Regulares cenſuris, & mulctatione pecuniaria per dictū Nuntium compelli poſſunt, non obſtantibus quibuſcūque priuilegijs, inuocato etiam ad hoc, ſi opus ſit, auxilio brachij ſæcularis. *tom* [illegible] *q* [illegible] *art.* 1.

Ad hanc quotam taxādam nec[illegible]o ſunt Regulares voca[illegible] & audiendi, ex præcepto *Clem.* VII. alias non tenentur ſoluere. *art* [illegible].

Nouitius [illegible]dens bona ſua tenetur ad tributum Regale, vt art. [illegible]. Quod tamen f[illegible] in [illegible] Societatis [illegible] poſt emiſſa vota ſim[illegible] *a. art* 5.

Tradunt mu[illegible] Doctores, tributum eſſe ſoluendam ab em[illegible]tore iure communi; alij iure Regio à venditore; quidquid ſit, Regularis vendens rē Monaſterij aut ſuam, nunquam tenetur ſoluere; cum ius & priu[illegible] [illegible] perſonas, & bona à [illegible] Regia poſ[illegible] *art* 7. & [illegible].

Nec etiam tenetur Regularis emens à laico, cum ſtatim res empta tra[illegible] in em[illegible] [illegible], [illegible] tenetur ſæcularis vendens. Quod [illegible] quod damnu[illegible] [illegible] empt[illegible] [illegible] tu eſt, nec libertati e[illegible] *ar* 7. & 13.

Hæc tame[illegible] [illegible] od ſt Clericis,

ris, & Monachis, quando emunt vēdunt aut permutant pro negotiatione, ſecus ſi hæc faciūt non ad ſuum vſum, aut vitam lucrādam, ſed ad res reuendendas in eadem forma lucri gratia tantum. *art* 8 & 10.

Regulares ſpeciali priuilegio exempti, qua'es ſunt omnes Mendicantes, & Religioſi Beati Ioannis Hieroſolymitani, non tenetur ad ſubſidia, exactiones, gabellas, & alia quocumq; nomine vocētur ſolui dari Epiſcopis, niſi ratione aliquarum capellarum, aut Eccleſiarum Monaſterio annexarum, habentium populum Ordinarijs ſubiectum. *tom* 2. *q* 66 *art* 2 3 & 4 & *q*.67.*art*.1 & 2.

Per Conc Trid. ſeſſ 28. *de Refor* c.18 ſoli Mendicātes, & Melitenſes eximūtur à cōtributione faciēda ſeminarijs habēdis, in vnaquaq; Diœceſi *q*.67 *ar*.3.

VASSALLVS.

Vide Feudum, Monaſterium.

BEnedictini nigri iure habent vaſſallos, & in eos veramque iuriſdictionem exercent. Olim Ciſtertienſibus nō licebat, ſed hodie id eis priuilegia concedunt. *tom*. 3.*q*.73 *art*.1 & 2.

VICARIVS.

Vide Abſoluere, Electio, Reſeruatio caſuum.

VIcarius inſtitutus à Capitulo, aut Miniſtro Prouinciali ad regendum in abſentia Guardiani, aut Prioris, tempore quo præſidet, gaudet authoritate & priuilegijs Guardiani; non autē alius ab ipſo Guardiano delegatus in abſētia ſui, & dicti Vicarij eā authoritatē in omnib. habet. *to* 1 *q*.10 *ar*.2.

Vbi ſtatutum eſt in Religione, quod Præſidentes aut Vicarij conuentus eligi nequeant in Diſcretos mittendos ad Capitulum prouinciale, non poteſt cum iis Viſitator etiam cum plenitudine poteſtatis ſine iuſta cauſa diſpenſare; ſi tamen diſpenſet, videtur valida diſpenſatio, niſi Præſes Capituli eam irritet. *tom* 2 *q*.53 *art*. 15.

Vicarij inſtituti, vt ſupra, habent in abſentia Guardiani iuriſdictionem ordinariam, quam & alijs delegare poſſunt. *tom*.3 *q*.76 *art*.[illegible]

Mortuo Generali in Ordine Minorum, non poteſt eligi Vicarius Ordinis vſque ad Capitulū generale, ſine expreſſa Papæ licentia, ex conſtitutione *Nicolai* IV. *art*.2.

Guardianus non habet authoritatem amouendi Vicarium inſtitutum à Capitulo, aut Miniſtro prouinciali, bene autem à ſe conſtitutum; huius officium mortuo Guardiano expirat, non autem alterius *art* 3.

Vicariatus Epiſcopalis plurimum dedecet ſtatū Regularium Mendicantium, non autē aliorū Monachorum, [illegible] adſit licentia non ſolum Superioris Conuentualis, ſed etiam Prouincialis, ſaltē ſecundum aliquos. *art* 5.

VISITATIO.

Vide Tertiarij

CVm Superiores, præſertim Regulares, exactam debeant ſuæ villicationis rationem reddere, conuenientiſſimū eſt Officiū Viſitationis ſeu Syndicationis Fratrum, *tom* 2 *q*. 4 *art*.1.

In Ordine Minorū per ſtatuta nō debent inſtitui Viſitatores prouinciæ, niſi illi, qui aliquando fuerint Prouinciales, aut diffinitores in praxi cauſarum Regularium bene verſati. *art*.2.

Viſitatores inſtituti cum plenitudine poteſtatis pro tota vna prouincia, non autem ſi pro vno ſolo Conuentu, videntur poſſe alios ſubdelegare, niſi id eis ſit interdictum *art* 3.

Omnes Prælati generales, & prouinciales iure diuino tenētur aliquando viſitare Fratres ſuos, quod probant Doctores ex illo Lucæ: *Et tu aliquando conuerſus, cōfirma Fratres tuos.* Et ex iure Canonico, ſingulis annis. *Ex Con. Tri. ſeſ*.25 *de Reg*.c.10. & 2 *a*.4

In viſitatione facienda hic ordo ſeruandus eſt. Primò, Viſitator proponat verbum Dei. Secundò, inquirat de vita Fratrum, & de locis, & rebus cultui diuino dedicatis ſecundum iuris diſpoſitionem. Tertiò, de obſeruantia Canonum, præſertim contra *Conc. Trid* Quartò, de obſeruantia Regulæ. Et quintò denique de ijs quæ ſolent à Viſitatoribus inquiri *art* 5.

Iuſiurandum exigi debet à Viſitatore, non tantum vt quilibet dicat veritatem eorum de quibus interrogabitur; ſed etiam eorum omniū quæ ſcit, credit, vel fama eſt. *ibidem*.

Iniuſtè agunt Viſitatores, qui inquiſitione facta præcipitanter emittunt aliquos Fratres nō infamatos, nec conuictos, ad alios Conuentus; aut per ſanctam obedientiam vel excommunicationē vetant, ne deinceps ingrediantur quaſdam domos non infamatas; quia iſta vergunt in iniuſtū dedecus Fratris, & aliquādo totius cōmunitatis; ſed debēt occultè obuiare malo, modo cōgruo. *q*.6.*art*.9.

Secundùm ius antiquum poterant Abbatiſſa, & Prioriſſa viſitare non ſolum ſuum Monaſterium, ſed etiam omnia alia ſibi ſubiecta; obtenta tamē licentia ad egrediendum, qua non obtenta tanquā legitimè impeditis licebat viſitationem committere alteri etiam maſculo omni exceptione maiori Sed per *Conc. Trident.* prohibetur eis egreſſus ea de cauſa *art*. 10.

Ordinauit *Clem*. IV. in Ordine Ciſtertienſi, vt Viſitator facultatem habeat deponēdi omnes Officiales Monaſterij, etiam Confeſſarios, cum conſilio tamen prudentum, & cauſa id exigente; non tamen Abbatem, niſi in certis caſibus, licet poſſit eū ſuſpen-

ſuſpende[illegible] ab officio vſque ad Capitulum, in quo defenſionis locum habe[illegible] *q. 26. art.* 3.

Lex an[illegible] a V[illegible] [illegible] vide[illegible] [illegible] ad [illegible] dicationem no[illegible] [illegible] nunium hominum ſed Superior[illegible]m, & præter[illegible] im I[illegible]dicum, q[illegible] um eſt anos regere *tom. 3. q. 77. art.* 1.

Viſitatores non debent facilè audire leues aut imperti[illegible]n[illegible]e[illegible] multò minus d[illegible] maiorias a[illegible] ſationes [illegible]ſectorum, [illegible] ex pa[illegible] cæcu[illegible] tium [illegible] Prælatos ſed prudenter tolerare com[illegible]munem [illegible] cum al[illegible] v[illegible] ad ſum mum ipſos in particulari m[illegible] *art.* 2.

Quam diſcrete debeat Viſitator procedere contra Prælatum [illegible] in viſitatione, pro quo mer[illegible] ſemper eſt bene preſumen[illegible] ſi ſit diffamatus *vide ar. 3. 4. & ſequentibus.* Quomodo procedendum ſi [illegible] a[illegible] ſores, [illegible] communicatione Papali *Innoc.* V[illegible] e quiſq; à Regularis, aut E[illegible] cuiuſcumque d[illegible] s. Certe[illegible] ſimiliter præſumat, præterquam eiuſdem Ordinis Abbates *art.* 9.

Qui quidem Abbates eodem priuilegio præceptum habent cum excommunicatione [illegible] tacto incurrenda, [illegible] ſingulis annis [illegible] Monaſteria ſibi ſubd[illegible] autem Prælati Regulares, licet illam excommunicationem non incu[illegible], [illegible] tamen grauiter, cum in re graui præceptum quoddam maximè neceſſarium frangant. Sed vtrumq; intelligitur de negligentibus, & rebellibus in huiuſmodi viſitationibus. *art.* 1[illegible].

V O T V M.

Vide Ceſſat. Diſpenſat. quoad vota Matrimonium, Monia[illegible], Profeſſio, Religio.

Superiores Ordinis ſancti Benedicti ex conceſſione *Martini* V. & *Eugen.* IV. authoritatem habent diſpenſandi cum ſubditis, vbi [illegible] cauſa exigit, ſuper quarto voto, quod emittunt, de clauſura obſeruanda. *tom. 3. q. 78. art.* 1.

Donati in Ordine ſancti Benedicti ſolemnia vota emittunt, non autem in alijs Ordinib. *art.* 2.

Communis eſt opinio Doctorum, maiorem naſci ob[illegible] ex voto, quam ex iuramento. *to.* 2. *q.* 1[illegible] *art.* 3.

[illegible] probat *S. Tho. 2. 2. q. 186. art. 6.* ad perfectionem [illegible] neceſſarium eſſe votum, figuratu[illegible] olim in v[illegible] N[illegible] [illegible]æorum. Et multi Doctores il[illegible] cum S. Hieron. [illegible] primos C[illegible] [illegible] ſacræ Scripturæ *Eut* [illegible] *Satanas* [illegible] *hominum,* [illegible] *Deo.* T[illegible] *q.* 1 *art.* 1.

Ad [illegible] n voti multa requiruntur. Primo, vt præcedat [illegible] per annum in habitu Regulari. Secundo, profeſſio expreſſa, vel tacita. Tertio [illegible] propria Superioris valentis incorporare. Quarto, vt fiat in ecc[illegible] & determinata Religione. Quinto, q[illegible] illa Religio ſit approbata à Sede Apoſtolica. *art.* 2.

Solemnitas votorum non eſt eſſentialis Religioni, [illegible] olim apud primos Religioſos, quos [illegible]cta ſimplicitas & reuerenda ſatis in Religione continebat, n[illegible] [illegible] vſu, ſed poſtea creſcente hominum [illegible] tantam fraudem, fuit introducta *in Synodo Rom. ſub Innoc. II. anno* 1139 ad di[illegible] *tom. 3. q.* 1. *art.* 2.

[illegible] Pontifex [illegible] diſmendi ma[illegible] votis [illegible] tribuere, vt fecit *Greg.* XIII in N[illegible] Societatis elapſo biennio vota e[illegible] bus, quæ vota licèt ſint ſimplicia, efficiũt tamen vera, abſolutam, & perpetuã traditionem [illegible] ſed [illegible] um co[illegible] natã ex par[illegible] Religioſi. Quod autẽ poſt [illegible] vota [illegible] dominium & proprietatẽ ſ[illegible] bonorũ [illegible] vſu, & adminiſtratione abdicatis, eſt quidem præter eſſentiam Religionis, non tamen contra, vnde ſine dubio potuit ſummus Pontifex diſpenſare ad bonum finem inſtitutionis, & conſeruationis eorũ. *tom. 1. q.* 1. *art.* 4. *& tom. 3. q.* 1. *art.* 6.

Profeſſi Societatis emittentes expreſsè quartum votum de obediendo domino Papæ, non magis inde obligantur ipſi obedire in ſuis obſeruãtijs regularibus, quàm alij Religioſi, cum omnes illud idẽ tacitè ex æquo feciſſe cenſendi ſint. Papa enim non tã[illegible] vt caput totius Eccleſiæ, ſed vt Author formalis omnium Regul[illegible], eſt proprius omniũ Religionum [illegible] *tom. 1. q. 22. art.* 6.

Tria vota [illegible] emiſſa à Religioſis, ſunt iure diuino ita eſſentialia Religioni, [illegible] vno deficiente etiam per diſpenſationem Papæ, ipſa etiam deſinat eſſe Religio, & is, cum quo fuit ſic diſpenſatum, Religioſus. *q. 23. art.* 1.

T[illegible], Fratres Minores emittere quartũ votũ ſolemne de [illegible]ruanda tota Regula, [illegible] *Voueo obſeruare Regulam Fratrũ Minorũ,* [illegible] D. Thom[illegible] debere int[illegible] *Voueo obſeruare Regulã & vitã in Regula modificatã,* [illegible] nullũ inde nouũ votũ exurgi. *q. 26. art.* 4.

Votum inferioris numquam poteſt augere Superior[illegible] D. Bernardi *Votum meum non adauget Prælatum tom. 3. q. 19. art.* 8.

Hic obſeruandum [illegible] Lector [illegible] conceſſionem Leon. X. de [illegible] *à Fratribus Minoribus transferendis, illam tamẽ de omnibus eſſe intelligendam ſecũdum [illegible], propter errorem prælati, ſummè ad ſola regularia ſuerit coarctata.*

FINIS.

BIBLIOTECA NAZ. [illegible]